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DIGEST OF HEALTH LAWS, BOSTON, 1923.

RULES AND REGULATIONS OF THE HEALTH DEPARTMENT OF THE CITY OF BOSTON,

WITH

EXTRACTS FROM THE GENERAL AND SPECIAL
STATUTES OF THE COMMONWEALTH OF MASSA-
CHUSETTS, FROM THE REGULATIONS OF STATE
DEPARTMENTS AND FROM THE CITY ORDI-
NANCES, RELATIVE TO THE PUBLIC HEALTH IN
THE CITY OF BOSTON.



FRANCIS X. MAHONEY, M. D.
Health Commissioner.

STEPHEN L. MALONEY,
Secretary.

CITY OF BOSTON
PRINTING DEPARTMENT
1923

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PREFACE.

This is the tenth collection of the rules and regulations of the Boston Health Department, the first manual having been published in 1811 and the last in 1904. Besides the rules and regulations of the department, the present manual contains also the statutes and ordinances upon which they are based, in which respect it continues the practice of former manuals. There is a departure from precedent, however, in its method of grouping.

The earlier books grouped the general statutes by themselves, then followed the special acts grouped together, then the city ordinances, and finally the board of health regulations. In the present manual each chapter contains all laws of whatever origin, relating to the particular subject of that chapter. In this respect, the plan of the present manual is similar to the plan of the first edition of the City Ordinances.

The purpose of these manuals is to afford and bring up to date a compendium of all the health laws affecting the City of Boston.

The enactment of such laws from time to time has been necessary for the protection of the public health, each law carrying a penalty for its violation. This department must enforce these laws, but it is realized that the main reliance in producing the benefits which they hope to obtain is the intelligent compliance with them by the general public.

F. X. Mahoney, M.D.

Health Commissioner.

January, 1924.

CERTIFICATE.

I hereby certify that the rules and regulations contained in this volume and referred to by date as adopted by the Boston Health Department are true copies of the rules and regulations adopted by this department on the dates named; and I hereby further certify that all such rules and regulations, promulgated as regulations, were duly published and promulgated as required by law, and are now in full force and effect; and that all laws, orders and ordinances are true and correct copies of the original laws, orders and ordinances found in the sources cited.

J. L. Mahoney

January, 1924.

Secretary.

LIST OF THE EARLIER PUBLICATIONS OF THE RULES AND REGULATIONS OF THE HEALTH DEPARTMENT.

1. 1801. "The By-Laws and Orders of the Town of Boston, passed at a legal Town Meeting, May 22, 1801, and duly approved by the Court of Sessions: Together with the Rules and Regulations of the Board of Health. Also Sundry Laws of the Commonwealth relating to Town Affairs."
2. 1811. "Laws, etc., relating to Boston Board of Health, April 15, 1811." (Public Library No. 6340-5.)
3. 1814. "Internal Health Regulations, April 18, 1814, Boston." Public Library No. 6340-5.)
4. 1818. "The By-Laws and Orders of the Town of Boston, passed at several legal Town Meetings and duly approved by the Court of Sessions: Together with Rules and Orders passed by the Selectmen. The Rules and Regulations of the Board of Health. Also the Sundry Laws of the Commonwealth and other important information relating to the Town of Boston."
5. 1821. "Rules, Regulations and Orders of the Boston Board of Health, relative to the Police of the Town, Published by order of the Board, 1821."
6. (NOTE.—From 1822 to 1872, the City Council exercised the powers of the Board of Health, including that of making Rules and Regulations; and the Rules and Regulations thus made constituted a part of the City Ordinances of that period, for a list of which see pages iii to ix of the Revised Ordinances of 1892.)
6. 1870. "Digest of Laws and Ordinances relating to the Public Health and Tenement Buildings, Boston, 1870."
7. 1880. "Manual for use of Board of Health containing General and Special Statutes under which its Authority is Exercised."
8. 1890. "City of Boston. Manual of the Statutes and Ordinances relating to the Public Health; also the Rules and Regulations governing the Health Department."
9. 1904. "City of Boston. Manual of the Revised Laws and City Ordinances relating to the Public Health; also the Regulations of the Board of Health."

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PART I.—THE HEALTH COMMISSIONER.

CHAPTER I.—Powers and Duties.

CHAPTER 1.—POWERS AND DUTIES OF THE HEALTH COMMISSIONER.

Sect.

1. Boards of health authorized to make contracts for the disposal of garbage, etc., and for the hospital treatment of certain persons during temporary illness.
2. Boards of health of cities, etc., authorized to establish stations for the distribution of milk, when deemed advisable for the public health. Charges. Rules. Limitation.
3. State Department of Public Health may require any board of health, etc., to give notice of cases of communicable disease. Penalty for neglect, etc., to give such notice.
4. Boards of health shall send to the State Department of Public Health a weekly report of deaths.
5. Boards of health authorized to appoint agents to act for them in certain cases.
6. Boards of health authorized to make regulations. Publishing same prescribed. Approval of attorney general required in certain cases.
7. Sanitary stations shall be established in cities, etc., when in opinion of boards of health, public necessity required it. Board shall determine number and location of same.
8. Boards of health acting for their towns may co-operate in establishing, etc., dental, medical and health clinics. Boards shall direct expenditure of town appropriations establishing, etc., such clinics; and may make regulations relative to conduct of same.
9. Orders of boards of health relative to public health may, on application be enforced by certain courts. Certain sections shall apply to such cases.
10. Disposition of certain fines.
11. Local boards of health authorized to certify certain persons affected with certain incurable diseases, for admission to the state infirmary. State Department of Public Welfare may make rules for such admission. Expense, how paid.
12. Boards of health shall care for persons suffering from insanity, etc., who are arrested, etc., but not placed in a lockup, etc., and for any other person so suffering and in need of immediate treatment at public expense. Board shall cause such person to be examined,

Sect.

- furnish medical care and cause him to be duly committed to an institution, unless he recovers or is provided for by relatives, etc. Expenses. How reimbursed.
13. Authority vested in Boston City Council, etc., relative to public health, etc., shall continue to be vested in the City Council, to be carried into execution in a certain manner.
14. Members of Boston Board of Health, etc., shall subscribe a certain oath before performing official duties. Penalty.
15. Boston Board of Health authorized to make requisition upon police commissioner for detail of a certain number of police to the service of the board for enforcing certain laws.
16. Boston Board of Health shall appoint certain inspectors. Certain departments abolished.
17. Contracts for disposal of refuse extending over period of more than one year, shall not be valid without approval of mayor and council after a public hearing.
18. Boston City Council may by ordinance reorganize, etc., departments.
19. Heads of departments in Boston authorized to establish fees for the issuing of licenses.
20. Boston Health Department shall be under charge of Health Commissioner. Powers and duties. Annual report. Detention hospital. Supplies of vaccine virus and antitoxin. Stables. Convenience stations. Burials.
21. Health Commissioner shall appoint a city physician, medical inspectors, superintendent of pedlers, etc., duties.
22. Health Commissioner shall keep books for entering applications for opening and cleaning vaults, etc., and shall make certain contracts for cleaning all vaults in city and fix charges to be paid by owners thereof.
23. Boston Health Department shall be under charge of a Health Commissioner, etc. Manner of appointment.
24. Powers and duties.
25. Shall establish certain divisions. Deputy commissioners.
26. Certain rules and regulations shall remain in operation until revoked by Health Commissioner.

I.

STATUTES.

(1)

Boards of Health Authorized to Make Contracts for the Disposal of Garbage, etc., and for the Hospital Treatment of Certain Persons During Temporary Illness.

G. L., Ch. 40. SECT. 4. A town may make contracts for the exercise of its corporate powers and for the following purposes:

For the disposal of its garbage, refuse and offal by contract for a term of years. Contracts for such disposal may be made by the selectmen, board of health or other officers having charge thereof.

For the reception, care and treatment by hospitals established in or near the town, if it maintains and manages no hospital, of persons who by misfortune or poverty require relief during temporary illness; but this provision shall not add to the compensation now required from the commonwealth or from any town for the care and treatment of any person chargeable to them respectively as a pauper, nor diminish the right of the commonwealth to require the removal to the state infirmary of a pauper dependent upon it. Contracts for such reception, care and treatment may be made by the overseers of the poor or by the board of health.

R. S. 15, s. 11.	1895, 217.	182 Mass. 39.
G. S. 18, s. 9.	R. L. 25, s. 14.	191 Mass. 291.
P. S. 27, s. 9.	1902, 544, s. 6.	217 Mass. 381.
1889, 377.	1918, 291, s. 1.	219 Mass. 580.
1890, 119.	167 Mass., 115.	233 Mass. 275.

For special statute applying to Boston and requiring approval of Mayor and City Council to contracts for the disposal of refuse extending over period of more than one year from the date thereof see (s. 17) following.

For ordinance requiring the Department of Public Works to remove and dispose of all refuse from dwellings, etc., see (5) of chapter 6, Part IV, following.

(2)

Boards of Health of Cities, etc., Authorized to Establish Stations for the Distribution of Milk, When Deemed Advisable for the Public Health. Charges. Rules. Limitation.

G. L., Ch. 94. SECT. 32. The board of health of a city, and of a town of ten thousand or more inhabitants, when it deems it advisable for the public health, may establish one or more stations for the distribution of milk, either free of charge in cases of necessity, or at such charge and under such conditions, rules and regulations as it establishes; but this section shall not permit any such board to engage in a general milk business.

1911, 278.

(3)

State Department of Public Health May Require Any Board of Health, etc., to Give Notice of Cases of Communicable Disease. Penalty for Neglect, etc., to Give Such Notice.

G. L., Ch. 111, SECT. 7. If smallpox or any other contagious or infectious disease declared by the department to be dangerous to the public health exists or is likely to exist in any place within the commonwealth, the department shall

make an investigation thereof and of the means of preventing the spread of the disease, and shall consult thereon with the local authorities. It shall have co-ordinate powers as a board of health, in every town, with the board of health thereof. It may require the officers in charge of any city or state institution, charitable institution, public or private hospital, dispensary or lying in hospital, or any board of health, or the physicians in any town to give notice of cases of any disease declared by the said department to be dangerous to the public health. Such notice shall be given in such manner as the department may deem advisable. If any such officer, board or physician refuses or neglects to give such notice, he or they shall forfeit not less than fifty nor more than two hundred dollars.

1879, 291, s. 6.

P. S. 80, s. 2.

R. L. 75, s. 8.

1913, 670.

1914, 792, s. 1.

1919, 350, s. 96.

3 Op. A. G. 81.

This section is applicable only to places throughout the Commonwealth where contagious diseases exist or seem likely to exist.

For act requiring boards of health to notify the state department of public health within twenty-four hours of receipt of notice of any communicable disease, see Gen. L. 111, s. 112 (see (7) of chapter 2, Part II, following).

(4)

Boards of Health Shall Send to the State Department of Public Health a Weekly Report of Deaths.

G. L., Ch. 111, SECT. 29. Boards of health shall send to the department every week, upon forms to be prescribed by it, a report of deaths in their towns for the week ending Saturday noon, from all diseases declared by the department to be dangerous to the public health.

1897, 428, s. 2.

R. L. 75, s. 12.

1913, 210.

1914, 792, s. 1.

1916, 53.

1919, 350, s. 96.

(5)

Boards of Health Authorized to Appoint Agents to Act for Them in Certain Cases.

G. L. Ch. 111. SECT. 30. Boards of health may appoint agents to act for them in cases of emergency or if they cannot conveniently assemble, and any such agent shall have all the authority which the board appointing him had; but he shall in each case within two days report his action to the board for its approval, and shall be directly responsible to it and under its direction and control. An agent appointed to make sanitary inspections may make complaint of violations of any law, ordinance or by-law relative to the public health.

1866, 271.

1879, 75.

P. S. 80, s. 16.

R. L. 75, s. 13.

143 Mass. 113.

(6)

Boards of Health Authorized to Make Regulations. Publishing Same Prescribed. Approval of Attorney General Required in Certain Cases.

G. L., Ch. 111. SECT. 31. Boards of health may make reasonable health regulations which shall be published once in a newspaper if one is published in

the town, otherwise in a newspaper published in the county. All regulations made hereunder which provide a penalty for violation thereof shall, before taking effect, be approved by the attorney general. Such publication shall be notice to all persons.

1816, 44, s. 3, 11.

P. S. 80, s. 19.

1914, 90.

R. S. 21, s. 8.

R. L. 75, s. 14.

1920, 591, s. 17.

G. S. 26, s. 6.

NOTE.—Other authorizations to make regulations are as follows: Nuisances: G. L., ch. 111, s. 122 (sec (1) of chapter 14, Part IV, following). Cemeteries and interments: G. L., ch. 144, s. 37 (sec (1) of chapter 2 of Part III, following). Gas piping and fittings: 1897, ch. 265, s. 7. Butchers' S. & M. Association: 1876, c. 144, s. 5 (sec (2) of chapter 5 of Part V). Manicuring, massage and giving of vapor baths: G. L., ch. 140, s. 51 (sec (i) of chapter 11E of Part IV, following).

(7)

Sanitary Stations Shall be Established in Cities, etc., When in Opinion of Boards of Health, Public Necessity Required It. Board Shall Determine Number and Location of Same.

G. L., Ch. 111. SECT. 33. In every city, and in every town having a population of over ten thousand, when, in the opinion of the board of health, public necessity requires it, there shall be established and maintained by the town in some convenient places, at or near the business center, one or more sanitary stations, with separate water closets for the use of each sex. Their number and location shall be determined by the board of health.

1911, 596, s. 1.

For act authorizing City of Boston to erect sanitary stations see Acts 1876, ch. 65. For ordinance giving Health Commissioner of Boston the care and custody of public convenience stations, etc. see, R. O. 1914, ch. 17, s. 1.

(8)

Boards of Health Acting for their Towns may Co-operate in Establishing, etc., Dental, Medical and Health Clinics. Boards Shall Direct Expenditure of Town Appropriations Establishing, etc., Such Clinics; and May Make Regulations Relative to Conduct of Same.

G. L., Ch. 111. SECT. 50. Towns may establish and maintain dental, medical and health clinics, and in connection therewith may conduct campaigns of general education relative to matters of public health. Acting through their respective boards of health, they may unite and co-operate for the foregoing purposes and may provide for the maintenance of clinics as aforesaid in one or more of the towns so uniting.

All appropriations made for the purposes of this section shall be expended under the direction of the local board of health, and clinics established hereunder shall be conducted subject to such rules and regulations as said board may establish.

1914, 677.

1920, 100.

(9)

Orders of Boards of Health Relative to Public Health May, On Application be Enforced by Certain Courts. Certain Sections Shall Apply to Such Cases.

G. L., Ch. 111. SECT. 187. The supreme judicial or superior court, upon the application of the board of health of a town, may enforce the orders of said board relative to public health. Sections thirty-four and thirty-five of chapter

two hundred and fourteen shall apply to such cases; but a jury may be summoned under said sections, if there is no sitting of the court, within one month after issues have been framed.

1893, 460, s. 1, 2.

1899, 143.

R. L. 75, s. 141.

(10)

Disposition of Certain Fines.

G. L., Ch. 111. SECT. 188. Fines and forfeitures incurred under the general laws, the special laws applicable to a town, or the ordinances, by-laws and regulations of a town, relative to health, shall inure to the use of such town except where the forfeiture is incurred by said town.

R. S. 21, s. 46.

P. S. 80, s. 81.

5 Cush. 408.

1849, 211, s. 7.

R. L. 75, s. 55.

153 Mass. 211.

G. S. 26, s. 50.

(11)

Local Boards of Health Authorized to Certify Certain Persons Affected with Certain Incurable Diseases for Admission to the State Infirmary. State Department of Public Welfare may Make Rules for such Admission. Expense, How Paid.

G. L., Ch. 121. SECT. 13. Any person who has been a resident of the commonwealth for not less than two years and is affected with any incurable disease, except mental defect or leprosy, may be admitted to the state infirmary; provided, that his admission shall be only upon the certificate of the board of health of the town from which he is sent. The department may make rules and regulations * for such admission and to facilitate the operation of this section. The expense of the maintenance of such a patient shall be paid by him or by any person or kindred bound by law to maintain him; if he and such person or kindred are unable to pay for his maintenance the town where the patient is found to have a legal settlement shall be liable to the commonwealth for his support, or, if the patient is without settlement in this commonwealth, the expense of his maintenance shall be paid by the commonwealth.

1919, 304.

(12)

Boards of Health Shall Care for Persons Suffering from Insanity, etc., Who are Arrested, etc., but not Placed in a Lockup, etc., and for any Other Person so Suffering and in Need of Immediate Treatment at Public Expense. Board Shall Cause such Person to be Examined, Furnish Medical Care and Cause Him to be duly Committed to an Institution, Unless He Recovers or is Provided for by Relatives, etc. Expenses. How Reimbursed.

G. L., Ch. 123. SECT. 82. No person suffering from insanity, mental derangement, deliriums, or mental confusion, except delirium tremens and drunkenness, shall, except in case of emergency, be placed or detained in a lockup, police station, city prison, house of detention, jail or other penal institution or place for the detention of criminals. If, in case of emergency, any such person is so placed or detained, he shall forthwith be examined by a physician and shall be furnished suitable medical care and nursing and shall not be so detained for more than twelve hours. Any such person not so placed or detained who is

* None to June 1, 1923.

arrested by or comes under the care or protection of the police, and any other such person who is in need of immediate care and treatment which cannot be provided without public expense, shall be cared for by the board of health of the town where such person may be. Such board of health shall cause such person to be examined by a physician as soon as possible, shall furnish him with suitable medical care and nursing, and shall cause him to be duly admitted or committed to an institution, unless prior to such admission or commitment he shall recover or be suitably provided for by his relatives or friends. Reasonable expenses for board, lodging, medical care, nursing, clothing and all other necessary expenses incurred by the board of health, under this section, shall be allowed, certified and paid in the same manner as provided by section seventy four.

1911, 394.

(13)

Authority Vested in Boston City Council, etc., Relative to Public Health, etc., Shall Continue to be Vested in the City Council, to be Carried into Execution in a Certain Manner.

Acts 1854, Ch. 448. SECT. 40. All the power and authority now by law vested in the city council, or in the board of mayor and aldermen, relative to the public health and the quarantine of vessels, shall continue to be vested in the city council, to be carried into execution by the appointment of one or more health commissioners; or in such other manner as the health, cleanliness, comfort, and order of the city may, in their judgment, require, subject to such alterations as the legislature may from time to time adopt. The powers and duties above named may be exercised and carried into effect by the city council in any manner which they may prescribe, or through the agency of any persons to whom they may delegate the same, to be appointed by the mayor subject to confirmation by the board of aldermen, notwithstanding a personal exercise of the same, collectively or individually, is prescribed by previous legislation.

(14)

Members of Boston Board of Health, etc., Shall Subscribe a Certain Oath Before Performing Official Duties. Penalty.

Acts 1885, Ch. 382. SECT. 23. Every member of the board of health and every health inspector shall before entering upon the performance of his official duties take and subscribe an oath before the city clerk that he will faithfully and impartially discharge such duties, and the city clerk shall make and keep a record of such oath. Every member or inspector who enters upon or discharges such duties without having taken and subscribed such oath shall be liable to a penalty of one hundred dollars; but such omission shall not render invalid any act or proceeding of said board.

(15)

Boston Board of Health Authorized to Make Requisition Upon Police Commissioner for Detail of a Certain Number of Police to the Service of the Board for Enforcing Certain Laws.

Acts 1889, Ch. 450. SECT. 7. (As amended Acts 1911, Ch. 287.) The police commissioner for the city of Boston shall, upon requisition by the board of health of said city, detail to the exclusive service and direction of said board of health, for enforcing the laws and ordinances relating to the preservation of health

and to tenement and lodging houses, such number, not exceeding ten, of police officers satisfactory to the board of health as the board of health may desire, and the services of the police officers so detailed shall be paid by said board of health; and said officers so detailed shall continue subject to the direction of said board of health until exchanged for others at the request of said last named board. Said police commissioner is hereby authorized and empowered to appoint patrolmen, in number not exceeding ten, to fill any vacancies in the police force in the city which may be caused by the detailing of officers as provided in this act.

(16)

Boston Board of Health Shall Appoint Certain Inspectors. Certain Departments Abolished.

Acts 1895, Ch. 449 (as amended 1896, Ch. 250). SECT. 19. The board of health of the city of Boston shall appoint as employees of the health department one or more health inspectors, who shall, as designated by said board, have and perform all the powers and duties conferred by law upon inspectors of milk, inspectors of vinegar, inspectors of animals, and inspectors of provisions and of animals intended for slaughter, and such other duties as said board may direct, and the inspection of milk and vinegar department, and inspection of provisions department are hereby abolished and the officers so designated shall be the inspectors of milk, the inspectors of vinegar, the inspectors of provisions, the inspectors of animals, and the inspectors of provisions and of animals intended for slaughter in said city.

NOTE.—For other authorization to appoint inspectors see milk inspectors and collectors of samples of milk: Gen. L. 94, s. 33 [see (1) chapter 14 of Part V, following]. Inspector of Abattoir: Acts 1876, ch. 144, s. 4 (see (5) of chapter 5 of Part V, following). City physician, medical inspectors and superintendent of peddlers: R. O. 1914, ch. 17, s. 2 [see (21) following].

(17)

Contracts for Disposal of Refuse Extending over Period of more than One Year, Shall not be Valid without Approval of Mayor and Council after a Public Hearing.

Acts 1909, Ch. 486. SECT. 3. No contract for . . . the collection, removal, or disposal of refuse, extending over a period of more than one year from the date thereof, shall be valid without the approval of the mayor and the city council after a public hearing held by the city council, of which at least seven days notice shall be given in the *City Record*.

NOTE.—Concerning contracts made by the city of Boston, see ord. 1921, ch. 9.

(18)

Boston City Council may by Ordinance Reorganize, etc., Departments.

Acts 1909, Ch. 486. SECT. 5. Except as otherwise provided in this act, the organization, powers and duties of the executive departments of the city shall remain as constituted at the time this section takes effect; but the mayor and city council at any time may by ordinance reorganize, consolidate, or abolish departments in whole or in part; transfer the duties, powers and appropriations of one department to another in whole or in part; and establish new departments; and may increase, reduce, establish or abolish salaries of heads of departments, or members of boards. Nothing in this act shall authorize . . . the abolition of the health department.

(19)

Heads of Departments in Boston Authorized to Establish Fees for the Issuing of Licenses.

Acts 1910, Ch. 571. SECT. 1. The heads of the various departments of the city of Boston may establish, subject to the approval of the mayor, reasonable fees or charges for the issuance of permits and licenses by said departments: . . .

II.

ORDINANCES.

(20)

Boston Health Department shall be Under Charge of Health Commissioner. Powers and Duties. Annual Report. Detention Hospital. Supplies of Vaccine Virus and Anti-Toxin. Stables. Convenience Stations. Burials.

R. O. 1914, Ch. 17. SECT. 1. The health department shall be under the charge of (a board of three commissioners *) who shall exercise the powers and perform the duties relative to the public health conferred by general or special acts upon the city council of Boston or on boards of health, and shall include in their annual report a review of the sanitary condition of the city; (shall have charge of all matter relating to quarantine and to the quarantine grounds, consisting of Gallop's Island and that portion of the harbor between Long, Deer and Spectacle Islands known as the President Roads:†) shall have charge of the hospital for persons having infectious diseases, established by the city on Southampton street, and of the patients in said hospital; shall keep on hand, so far as practicable, a sufficient quantity of vaccine virus and anti-toxin, and supply the same free of charge to the physicians in the several departments and in the Boston Dispensary; shall authorize the occupancy or use of stables; shall have the care and custody of all urinals and public convenience stations now or hereafter established by the city, except those located upon park lands or public grounds; and shall have the supervision of the burial of the dead.

1854, ch. 448, s. 40.

R. L. 72, and amendments.

1895, ch. 449, s. 19.

(21)

Health Commissioner shall Appoint a City Physician, Medical Inspectors, Superintendent of Pedlers, etc. Duties.

R. O. 1914, Ch. 17. SECT. 2. The (board)* shall appoint a city physician to make examinations when requested by the police

* Health Commissioner, Ord. 1914 (2d ed.), ch. 1.

† Abolished, Ord. 1915, ch. 1.

commissioner, at the expense of the police department, and certify to the police commissioner the condition of candidates for appointment on, and of members of, the police force, and to make examinations when requested by the fire commissioner, at the expense of the fire department, and certify to the fire commissioner the condition of the members of the department. The (board)* shall appoint one or more medical inspectors and require them to attend upon all cases requiring medical or surgical services in the jail, the city prison in the courthouse, and the city temporary home, when requested by the officer in charge of, and at the expense of, the institution or department in which the cases are; to vaccinate and revaccinate all inhabitants of the city who apply for admission to the public schools. The (board)* shall appoint a port physician and assistant port physician, and require them to reside at Deer Island, and, if the board and the penal institutions commissioner so agree, require them to serve as assistant physicians for all the institutions on Deer Island; and shall appoint a superintendent of peddlers, and require him to see that every hawker and pedler conforms to law.

(22)

Health Commissioner shall Keep Books for Entering Applications for Opening and Cleaning Vaults, etc., and shall Make Certain Contracts for Cleaning all Vaults in City and Fix Charges to Be Paid by Owners Thereof.

R. O. 1914, Ch. 17. SECT. 3. The (board)* shall keep books in which shall be entered all applications for opening and cleaning vaults, and such applications shall, unless the whole contents of the vault are to be taken, specify the number of loads to be removed. The (board)* shall from time to time, after advertising for proposals therefor, make contracts for terms not exceeding three years for cleaning all vaults in the city, and removing their contents, and shall fix the price per load to be paid, together with all expense of preparing the vault for cleaning, by every person whose vault is cleaned by such contractor.

(23)

Boston Health Department shall be Under Charge of a Health Commissioner, etc. Manner of Appointment.

Ordinance 1914 (2d series), Ch. 1. SECT. 1. The health department shall be under the charge and control of a health commissioner, who shall be appointed by the mayor under the provi-

* Health Commissioner, Ord. 1914 (2d ed.), ch 1.

sions of sections 9 and 10 of chapter 486 of the Acts of the year 1909, and who shall receive an annual salary of \$7,500:

(24)

Powers and Duties.

Ordinance 1914 (2d series), Ch. 1. SECT. 2. The health commissioner shall exercise the powers and perform the duties conferred or imposed by law upon the board of health of the city of Boston or upon the chairman therefor.

(25)

Shall Establish Certain Divisions. Deputy Commissioners.

Ordinance 1914 (2d series), Ch. 1. SECT. 3. The Health Commissioner shall establish the following divisions of the health department: medical division, child hygiene division, sanitary division, food inspection division, laboratory division, quarantine division, and division of vital statistics, records and accounts, the last division to be in charge of the officer entrusted with the duty of preparing vital statistics. Each division shall be in charge of a deputy commissioner, who shall be appointed by the health commissioner. Each deputy commissioner shall be a person of recognized standing in his profession or occupation, that in the commissioner's opinion he is an expert in the work which will devolve upon him, that he is a person specially fitted by education, training or experience to perform the duties of the office, and that the appointment is made solely in the interest of the city, such certificate to be filed with the city clerk and to be open to public inspection. The salaries of the deputy commissioners shall be fixed by the health commissioner subject to the approval of the mayor.

III.

ORDERS, RESTRICTIONS AND REQUIREMENTS.

(26)

Certain Rules and Regulations shall Remain in Operation Until Revoked by Health Commissioner.

August 27, 1915. It was ordered that all rules and regulations passed and in operation by the previous Boards of Health, shall remain in operation by the present Health Department as now constituted and shall continue until amended or revoked by the Health Commissioner.

PART II.—MEDICAL INSPECTION. COMMUNICABLE DISEASE.

- Chapter 1. Communicable disease, Provision required for persons infected with.
- Chapter 2. Communicable diseases, The reporting of.
- Chapter 3. Day nurseries, Lying-in hospitals and the protection of infants.
- Chapter 4. Hospitals, The establishment and maintenance of.
- Chapter 5. Hospital for communicable diseases, Requirements and obligations of.
- Chapter 6. Infected articles, etc., Precautions against the spread of infection by.
- Chapter 7. Quarantine.
- Chapter 8. Vaccination. School attendance and exclusion.

CHAPTER 1.—COMMUNICABLE DISEASE, PROVISION REQUIRED FOR PERSONS INFECTED WITH.

Sect.

1. Boards of health shall provide such hospital or place of reception and care for any person infected with a dangerous disease, as they judge best for his accommodation and for the safety of the public, which shall be subject to the regulations of the board. Board authorized to cause any person so infected to be removed to such place of isolation, if without danger to his health; otherwise, the house or place where he remains shall be considered as a hospital, and all persons connected therewith shall be subject to the regulations of the board. If necessary persons in neighborhood may be removed. A resident wage-earner restrained shall receive compensation not to exceed two dollars for each working day.
2. The court may issue a warrant requiring the removal of any infected persons or the impressing of convenient houses, nurses, etc., under the direction of the board of health. The removal may be to any town provided the assent of its board of health is first obtained.
3. The removal from patient's homes authorized by the two preceding sections shall apply only to persons residing in boarding houses or hotels, or to two or more families occupying the same dwelling, or where patient, in opinion of board, cannot be properly isolated.
4. Boards of health to use all possible care to prevent spread of infection and to give effectual public notice. Penalty for obstructing board or removing such warnings.
5. Penalty for violation of board of health regulations relative to hospitals or places for the reception of persons infected with dangerous diseases.
6. Reasonable expenses incurred in making the provision required by law for such

Sect.

- infected persons shall be paid by them or their parents, if able; otherwise by town of their legal settlement upon approval of bill by its board of health. State charges, how paid. Notices.
7. Boards of health shall retain charge of cases in which they have acted, to exclusion of overseers.
 8. Regulations of the Health Commissioner of the City of Boston respecting contagious diseases:
 1. Whoever is infected with a dangerous disease shall immediately proceed to some isolated place or room designated by the Health Commissioner. No person so infected shall leave such room, and no article shall be removed therefrom, until the Health Commissioner shall so certify.
 2. Parents, etc., shall immediately cause their children, etc., so infected to be removed to such room, and shall not permit them to remove therefrom until the Commissioner shall so certify.
 3. No person other than the attending physician, etc., shall enter such room; nor shall any dog, etc., be allowed to enter therein, until the commissioner shall certify that such place has been satisfactorily disinfected.
 4. No person having the care of any infected patient shall advise or permit him to leave the place of isolation designated for him, before the commissioner shall so certify.
 5. No physician attending such patient shall advise or knowingly permit him to leave such place of isolation before the commissioner shall so certify.
 9. Public notice of infected places. No exceptions to rule requiring display of warning cards.

I.

STATUTES.

(1)

Boards of Health to Provide for Persons Infected with Dangerous Disease and May Cause Their Removal to Hospitals. Regulations. Compensation to Persons Restrained.

G. L., Ch. 111. SECT. 95. If a disease dangerous to the public health breaks out in a town, or if a person is infected or lately has been infected therewith, the

board of health shall immediately provide such hospital or place of reception and such nurses and other assistance and necessaries as is judged best for his accommodation and for the safety of the inhabitants, and the same shall be subject to the regulations of the board. The board may cause any sick or infected person to be removed to such hospital or place, if it can be done without danger to his health; otherwise the house * or place in which he remains shall be considered as a hospital, and all persons residing in or in any way connected therewith shall be subject to the regulations of the board, and, if necessary, persons in the neighborhood may be removed. When the board of health of a town shall deem it necessary, in the interest of the public health, to require a resident wage earner to remain within such house or place or otherwise to interfere with the following of his employment, he shall receive from such town during the period of his restraint compensation to the extent of three fourths of his regular wages provided, that the amount so received shall not exceed two dollars for each working day. For penalty for violation of any regulation under above section; see (5) following.

1701-2, 9, s. 1, 2.	1848, 119.	137 Mass. 554.
1792, 58, s. 5.	G. S. 26, s. 16, 17, 44.	140 Mass. 314.
1797, 16, s. 1.	P. S. 80, s. 40, 41, 75.	187 Mass. 150.
R. S. 21, s. 16, 17, 40.	R. L. 75, s. 42.	191 Mass. 78.
1837, 244, s. 1, 2.	1906, 225; 365.	
1838, 158.	1907, 445.	

(2)

Court May Issue a Warrant Requiring Removal of Persons Infected with such Disease, or the Impressing of Houses, Etc., Under Direction of Board of Health. Removal may be to Any Town.

G. L., Ch. 111. SECT. 96. A magistrate authorized to issue warrants may issue a warrant directed to the sheriff of the county or his deputy, or to any constable or police officer, requiring him, under the direction of the board of health, to remove any person infected with a contagious disease, or to take up and impress convenient houses, lodging, nurses, attendants and other necessaries. The removal authorized by this section may be made to a hospital in any town established for the reception of persons having smallpox or other disease dangerous to the public health, provided that the assent of the board of health of the town to which such removal is made shall first have been obtained.

1701-2, 9, s. 3.	1877, 211, s. 1.	1915, 12.
1742-3, 17, s. 1.	P. S. 80, s. 43.	162 Mass. 176.
1797, 16, s. 4.	R. L. 75, s. 46.	191 Mass. 78.
R. S. 21, s. 19.	1902, 206, s. 2.	206 Mass. 365.
G. S. 26, s. 19.	1906, 365, s. 2.	

NOTE.—Independently of the above section, there is no authority in the board of health to take possession of or impress any place as a hospital. *Spring v. Hyde Park*, 137 Mass. 554.

(3)

Limitation of Two Preceding Sections.

G. L., Ch. 111. SECT. 97. The two preceding sections, so far as they confer authority for the removal of patients from their homes, shall apply only to

* A board of health cannot without the consent of the owner, lawfully establish and use premises as a hospital, except under the provisions of s. 96 following, 137 Mass. 558. The word "provide" in the third line of above section "contemplates a contract" *Id.* 557. A tenant at will is not an owner in this sense, 162 Mass. 176.

persons residing in boarding houses or hotels, or to two or more families occupying the same dwelling, or in other cases where, in the opinion of the board, the patient cannot properly be isolated.

1838, 44, s. 12.

1840, 39.

1848, 119.

G. S. 26, s. 51.

1872, 189.

P. S. 80, s. 82.

R. L. 75, s. 56.

1906, 365, s. 3.

140 Mass. 314.

187 Mass. 150.

(4)

Boards of Health to Prevent Spread of Infection, and to Give Effectual Public Notice. Penalty for Obstructing Board or Removing such Warnings.

G. L., Ch. 111. SECT. 104. If a disease dangerous to the public health exists in a town, the selectmen and the board of health shall use all possible care to prevent the spread of the infection, and shall give public notice of infected places to travelers by displaying red flags at proper distances and by all other means which, in their judgment, may be most effectual for the common safety. Whoever obstructs the selectmen, board of health or its agents in using such means, or wilfully removes, obliterates, defaces or handles such red flags or other signals shall forfeit not less than ten nor more than one hundred dollars.

1792, 58, s. 6.

R. S. 21, s. 41.

1838, 158.

G. S. 26, s. 45.

1873, 2, s. 2.

P. S. 80, s. 76.

R. L. 75, s. 43.

(5)

Penalty for Violation of Board of Health Regulations Relative to Places of Reception for Persons Infected with Dangerous Diseases.

G. L., Ch. 111. SECT. 105. If a physician or other person who is in any of the hospitals or places of reception mentioned in section ninety-five, or who attends, approaches or is concerned with them, violates a regulation of the board of health relative thereto, he shall forfeit not less than ten nor more than one hundred dollars.

1792, 58, s. 6.

R. S. 21, s. 42.

1838, 158.

G. S. 26, s. 46.

P. S. 80, s. 77.

R. L. 75, s. 44.

(6)

Payment of Expenses Incurred by Boards of Health in Making the Provision Required by Law for Dangerous Diseases.

G. L., Ch. 111. SECT. 116. Reasonable expenses * incurred by boards of health or by the commonwealth in making the provision required by law for persons infected with smallpox or other disease dangerous to the public health shall be paid by such person or his parents, if he or they be able to pay, otherwise by the town where he has a legal settlement, upon the approval of the bill by the board of health of such town or by the department of public welfare. Such settlement shall be determined by the overseers of the poor, and by the department of public welfare, in cases cared for by the commonwealth. If the person has no settlement, such expense shall be paid by the commonwealth, upon the approval of bills therefor by the department of public welfare. In all cases of persons

* The "reasonable expenses," the recovery of which is provided for in above section, do not include expenses incurred for the services of policemen stationed to enforce the quarantine, nor for supplies for persons quarantined in the house other than those ill, these expenses having been incurred not for a person infected with a dangerous disease but for the preservation of the public health. *Haverhill v. Marlborough*, 187 Mass. 150.

having settlements, a written notice, sent within the time* required in the case of aid given to paupers, shall be sent by the board of health of the town where the person is sick to the board of health of the town where such person has a settlement, who shall forthwith transmit a copy thereof to the overseers of the poor of the place of settlement. If the person has no settlement, such notice shall be given to the state department of public health as provided in section one hundred and twelve;† and also, in any case liable to be maintained by the commonwealth when public aid has been rendered to such sick person, a written notice shall be sent to the department of public welfare, containing such information as will show that the person named therein is a proper charge to the commonwealth, and reimbursement shall be made for reasonable expenses incurred within five days next before such notice is mailed, and thereafter until such sick person is removed under section twelve‡ of chapter one hundred and twenty one, or is able to be so removed without endangering his or the public health.

1701-2, 9, s. 1, 2.

1797, 16, s. 1.

R. S. 21, s. 16.

1837, 244, s. 1.

1848, 119.

G. S. 26, s. 16.

1874, 121, s. 2.

P. S. 80, s. 40, 83.

R. L. 75, 57.

1902, 213, s. 1, 3.

1907, 386, s. 1.

1909, 380.

1919, 350, s. 87, 96.

187 Mass. 150.

4 Op A. G. 474.

(7)

Boards of Health to Retain Charge of Cases in Which they Have Acted.

G. L., Ch. 111. SECT. 32. A board of health shall retain charge, to the exclusion of the overseers of the poor, of any case arising under this chapter in which it has acted.

1874, 121, s. 1.

P. S. 80, s. 17.

R. L. 75, s. 15.

II.

REGULATIONS.

(8)

Contagious Diseases.

Reg. July 1, 1895, as amended March 10, 1897, and again amended December 24, 1900, and again amended June 3, 1912.

Patient Shall Immediately Proceed to Place Designated by Health Commissioner. Not to Leave Same and Articles Not to be Removed Without Consent of Commissioner.

1. Whoever is infected with smallpox, scarlet fever, diphtheria, measles, typhoid fever, varicella, cerebro-spinal meningitis, anterior poliomyelitis, or other diseases dangerous to the public health shall immediately proceed to some isolated place or room designated by

* Nothing shall be recovered for relief furnished more than three months prior to notice thereof. G. L., ch. 117, s. 14.

† Failure to give such notice shall not defeat the claim of a town against the commonwealth for reasonable expenses incurred by the Board of Health in making the provision required by law for persons infected with a dangerous disease to the public health, if such claim is otherwise a valid claim against the commonwealth. G. L., ch. 111, s. 114.

‡ The state department of public welfare may, if expedient, remove any person infected with a disease dangerous to the public health, who is maintained or liable to be maintained by the commonwealth, to any hospital provided for state paupers, or may provide such place of reception for such person as is judged best for his accommodation and the safety of the public, . . . G. L., ch. 121, s. 12.

the Board of Health and no person who has been so affected shall leave such place or room, and no article shall be removed from such place or room until the Board of Health shall certify in writing that all danger of communicating such disease to others is passed.

Parents, etc., Shall Cause Children so Infected to Proceed to Such Places, and Not Permit Them to Leave Until Health Commissioner Shall so Certify.

2. Every parent or guardian of any child or ward infected with smallpox, scarlet fever, diphtheria, measles, typhoid fever, varicella, cerebro-spinal meningitis, anterior poliomyelitis or any other disease dangerous to the public health, shall immediately cause such child or ward to be conveyed to some isolated place or room approved by the Board of Health, and no parent or guardian shall permit such child or ward to remove from such place or room until the Board of Health shall find and certify in writing that all danger of communicating such disease to others has passed.

No Person Other than the Attending Physician, etc., Shall Enter Such Isolating Places Until Health Commissioner Shall Certify to Its Disinfection.

3. No person other than the attending physician, nurse or agents of the Board of Health shall enter, nor shall any dog, cat or other animal be allowed to enter any apartment or other place set apart for the treatment of smallpox, scarlet fever, diphtheria, measles, typhoid fever, varicella, cerebro-spinal meningitis, anterior poliomyelitis or any other disease dangerous to the public health, until the Board of Health shall certify in writing that such apartment or place has been satisfactorily disinfected.

No Person Having the Care of any Other Person Infected with a Dangerous Disease Shall Advise or Permit Such Person to Leave Such Isolating Places Until Health Commissioner Shall so Certify.

4. No person having the care of any other person who has been infected with smallpox, scarlet fever, diphtheria, measles, typhoid fever, varicella, cerebro-spinal meningitis, anterior poliomyelitis or any other disease dangerous to the public health, shall advise or permit such other person to leave any place designated by the Board of Health as a place of isolation of such infected person before said Board of Health shall have certified in writing that such person can leave such designated place without danger to others.

No Physician Attending any Person Infected with a Communicable Disease Shall Advise, etc., Such Person to Leave any Isolating Place Designated Until Health Commissioner Shall so Certify.

5. No physician who has been in attendance upon any person who has been infected with smallpox, scarlet fever, diphtheria, measles, typhoid fever, varicella, cerebro-spinal meningitis, anterior poliomyelitis or any other disease dangerous to the public health, shall advise or knowingly permit such person to leave any place designated by the Board of Health as a place of isolation of

such infected person before said Board of Health shall have certified in writing that such infected person can leave such place without danger to others.

For penalty, see Gen. L., ch. 111, s. 105 (chap. 1, (5), preceding).

NOTE.—Section 2 of chap. 44, Acts of 1816, provides that in every case of communicable disease in Boston, the Board of Health shall pass an order relative to the same and requires that every person notified thereof shall obey under penalty of a forfeiture.

(9)

Public Notice of Infected Places. No Exceptions to Rule Requiring Display of Warning Cards.

January 5, 1904. Owing to the many difficulties in the way of making exceptions in the use of warning card on the outer door where infectious diseases are found, the Board of Health hereby orders that hereafter no exception be made in the display of said warning card which is required by statute law.

References.

Sect. (1.) During the smallpox epidemic of 1872-73, the Board of Health issued a regulation of the courses to be taken by the public to diminish the spread of smallpox, the preamble of which (equally valid today) is as follows: "Vaccination and re-vaccination and thorough isolation of those sick with smallpox or varioloid, are the principal and most important means to be adopted to diminish the spread of this loathesome disease."

Sect. (4.) Guard on state border may restrain certain infected persons coming from outside of state, until licensed by the board of health of the town to which they may come. Penalty for traveling without such license after being cautioned to depart. G. L., ch. 111, s. 106 (chap. 6) (8), following.

Sect. (6.) No persons for whom a town has incurred expense in consequence of smallpox, scarlet fever, diphtheria, tuberculosis, dog-bite requiring anti-rabic treatment or other disease dangerous to the public health, shall be deemed a pauper by reason thereof, but while receiving such aid and treatment, he shall not acquire or be in the process of acquiring a settlement. G. L., ch. 116, s. 3.

Sect. (8.) Persons affected with gonorrhea, syphilis or tuberculosis and who become inmates of any hospital or other place designated by the Health Commissioner for their isolation shall not leave such designated hospital or other place without the written consent of the Health Commissioner or of his authorized agent. Reg. Mar. 28, 1911 (Chap. 5, (17), following).

CHAPTER 2.— COMMUNICABLE DISEASES, THE REPORTING OF.

Sect.

1. State Department of Public Health to define what diseases shall be deemed dangerous to the public health.
2. List of diseases declared by the State Department of Public Health to be dangerous to the public health. Regulations of the state department relative to the reporting of gonorrhea and syphilis.
3. State department authorized to require the reporting of certain diseases in such manner as it deems advisable. Penalty.
4. A householder who knows that a person in his family or house is sick of any disease dangerous to public health shall forthwith give notice thereof to the local board of health. Upon the death, recovery or removal of such person, the householder shall disinfect room, etc., but board of health given discretion to disinfect same, at expense of town. Penalty.
5. Diseases of the eyes of infants to be reported in writing by the nurse, relative or other attendant in charge to the local board of health, who shall take such immediate action as it deems necessary in order to prevent blindness. Penalty.
6. Physicians to give written notice of persons visited by them, infected with dangerous disease, over their own signature, to the local board of health. Penalty.

Sect.

7. Local boards of health to report to the State Department of Public Health all cases of dangerous disease of which they have had notice.
8. Local boards of health shall keep a record of all reports required pursuant to sections 109 to 111 inclusive, in the manner and upon forms prescribed by the State Department of Public Health; and they shall give immediate information to the school committee of all contagious diseases so reported, and appoint some person to give the notices required by section 112, such appointment and acceptance thereof to be placed upon the records of the board. Penalty.
9. The local board of health shall be at once notified when pupil in public school shows symptoms of communicable disease.
10. Owners, etc., of dwellings in Boston to report forthwith in writing to Health Department when certain sick persons are removed from premises.
11. Owners, etc., shall notify Health Commissioner of the removal from their premises of any person suffering from an infectious disease.
12. Milk producers, etc., shall notify Health Commissioner of any case of infectious disease among their families, or employees or within any building where milk is stored.

I.

STATUTES.

(1)

State Department of Public Health to Define Diseases Dangerous to the Public Health.

G. L., Ch. 111. SECT. 6. It (state department of public health) shall define what diseases shall be deemed to be dangerous to the public health.

1907, 183, s. 1.

1914, 792, s. 1.

1919, 350, s. 96.

See (2) following.

(2)

Diseases Declared by the State Department of Public Health to be Dangerous to the Public Health.

Manual, State Department of Public Health, pp. 308, 309. The following diseases are to be reported to the local boards of health under the provisions of General Laws, chapter 111, sections 109, 110 and 111 (see (4) (5) (6) following):

Actinomyces.
Anterior poliomyelitis.

Anthrax.
Asiatic cholera.

Chicken-pox.
 Diphtheria.
 Dog bite (requiring anti-rabic treatment).
 Dysentery:
 (a.) Amebic.
 (b.) Bacillary.
 Encephalitis lethargica.
 Epidemic cerebro-spinal meningitis.
 German measles.
 Glanders.
 Hookworm disease.
 Infectious diseases of the eye:
 (a.) Ophthalmia neonatorum.
 (b.) Suppurative conjunctivitis.
 (c.) Trachoma.
 Influenza.
 Leprosy.

Lobar pneumonia.
 Malaria.
 Measles.
 Mumps.
 Pellagra.
 Plague.
 Rabies.
 Scarlet fever.
 Septic sore throat.
 Smallpox.
 Tetanus.
 Trichinosis.
 Tuberculosis (all forms).
 Typhoid fever.
 Typhus fever.
 Whooping cough.
 Yellow fever.

Gonorrhea and syphilis are to be reported directly to the state department of public health by number, under the provisions of General Laws, chapter 111, section 7 (see (3) following), in the manner described in the following regulations:

Gonorrhea and syphilis, as diseases declared to be dangerous to the public health and as such reportable under these regulations, are hereby defined as follows:

Gonorrhea.—A person shall be deemed to be suffering from gonorrhea whenever he or she manifests the signs, symptoms or lesions of the disease, and thereafter until two negative laboratory tests have been obtained from specimens, taken at least two weeks apart, from the urethra in the male, and from both the urethra and the cervix in the female.

Syphilis.—A person shall be deemed to be suffering from syphilis whenever he or she manifests the signs, symptoms or lesions of the primary or of the secondary stage of the disease, or discharging lesions of the tertiary stage.

Whenever a physician has reason to believe that a person whom he has examined is suffering from gonorrhea or syphilis as defined above, he shall furnish this person with a numbered circular of information and advice concerning the disease in question furnished by the state department of public health for that purpose. The physician shall at the same time fill out in detail the numbered report attached to the circular of advice and forthwith mail the same to the state department of public health. This report shall not contain the name or address of the patient. However, if the physician ascertains that the person has been examined by and has received a circular of information from another physician he shall not report the case as above directed to the state department of public health, but shall notify the physician last previously consulted of the patient's change of medical adviser.

Whenever any person suffering from gonorrhea or syphilis as defined above shall fail to return or to satisfactorily explain his absence to the physician treating such person for a period of six weeks later than the time last appointed by the physician for such consultation or treatment, and the physician also fails to receive a notification of change of medical advisers as provided in the previous section, or whenever, in the opinion of the physician reporting the case, because of circumstances or conditions present, the protection of the public health demands action by the local board of health, the physician shall then notify the state department of public health, giving name, address of patient, name of the disease, and serial number, date of report and name of physician, originally reporting the case by said serial number, if known. Upon receipt of a report giving the name and address of a person suffering from gonorrhea or syphilis as provided in the preceding section, the state department of public health shall

report the case by name and address to the board of health of the city or town of the patient's last known address for its action.

NOTE.—For penalty for violation of the regulations of the state department of public health relative to the reporting of cases of gonorrhea and syphilis, see Gen. L., ch. 111, s. 7 (i. e. (3) following).

(3)

State Department of Public Health May Require Physicians, etc., to Give Notice of Certain Cases of Disease in Such Manner as They Deem Advisable. Penalty for Failure to Give Such Notice.

G. L., Ch. 111. SECT. 7. If smallpox or any other contagious or infectious disease declared by the department to be dangerous to the public health exists or is likely to exist in any place within the commonwealth, the department shall make an investigation thereof and of the means of preventing the spread of the disease, and shall consult thereon with the local authorities. It shall have co-ordinate powers as a board of health, in every town, with the board of health thereof. It may require the officers in charge of any city or state institution, charitable institution, public or private hospital, dispensary or lying-in hospital, or any board of health, or the physicians in any town to give notice of cases of any disease declared by the said department to be dangerous to the public health. Such notice shall be given in such manner as the department may deem advisable. If any such officer, board or physician refuses or neglects to give such notice, he or they shall forfeit not less than fifty nor more than two hundred dollars.

1879, 291, s. 6.

1913, 670.

3 Op. A. G. 81.

P. S. 80, s. 2.

1914, 792, s. 1.

R. L. 75, s. 8.

1919, 350, s. 96.

(4)

Householders to Give Notice of Dangerous Disease to the Local Board of Health. Disinfection of Premises. Penalty.

G. L., Ch. 111. SECT. 109. A householder who knows that a person in his family or house is sick of smallpox, diphtheria, scarlet fever or any other infectious or contagious disease declared by the department dangerous to the public health shall forthwith give notice thereof to the board of health of the town where he dwells. Upon the death, recovery or removal of such person, the householder shall disinfect to the satisfaction of the board such rooms of his house and articles therein as, in the opinion of the board, have been exposed to infection or contagion. But the board may, in its discretion, disinfect or fumigate all such premises as, in its opinion, have been exposed to any infectious or contagious disease, at the expense of the town, and may employ any proper and competent person to so disinfect or fumigate. Whoever violates any provision of this section shall be punished by a fine or not more than one hundred dollars.

1742-3, 17, ss. 5, 6.

1884, 98, s. 1

1910, 269.

1792, 58, s. 7.

1890, 102.

1914, 177.

R. S. 21, s. 43.

R. L. 75, s. 49.

1919, 350, s. 96.

G. S. 26, s. 47.

1905, 251, s. 1.

P. S. 80, s. 78.

1907, 480.

(5)

Nurses and other Attendants to Report Cases of Eye Disease in Infants to the Local Board of Health, in Writing. Action by Board to Prevent Blindness.—Penalty.

G. L., Ch. 111. SECT. 110. If either eye of an infant becomes inflamed, swollen, and red, or shows an unnatural discharge within two weeks after birth,

the nurse, relative or other attendant having charge of such infant shall report in writing, within six hours thereafter, to the board of health of the town where the infant is, the fact that such inflammation, swelling and redness of the eyes or unnatural discharge exists. On receipt of such report, or of notice of the same symptoms given by a physician as provided by the following section, the board of health shall take such immediate action as it may deem necessary, including, so far as may be possible, consultation with an oculist and the employment of a trained nurse, in order that blindness may be prevented. Whoever violates this section shall be punished by a fine of not more than one hundred dollars.

1905, 251, s. 1.

1910, 269.

230 Mass. 201.

1907, 480.

1914, 177.

(6)

Physicians to Report Cases of Dangerous Disease to Local Board of Health in Writing over Own Signature.—Penalty.

G. L., Ch. 111. SECT. 111. If a physician knows that a person whom he visits is infected with smallpox, diphtheria, scarlet fever or any other disease declared by the department dangerous to the public health, or if either eye of an infant whom or whose mother, a physician, or a hospital medical officer registered under section nine of chapter one hundred and twelve, visits becomes inflamed, swollen and red, or shows an unnatural discharge within two weeks after birth, he shall immediately give written notice thereof, over his own signature, to the board of health of the town; and if he refuses or neglects to give such notice he shall forfeit not less than fifty nor more than two hundred dollars.

1827, 129.

1891, 188.

1920, 244, s. 2.

R. S. 21, s. 44.

R. L. 75, s. 50.

230 Mass. 201.

G. S. 26, s. 48.

1905, 251, s. 2.

Op. A. G. (1920), 212.

P. S. 80, s. 79.

1907, 480.

1884, 98, s. 2.

1919, 350, s. 96.

(7)

Local Boards of Health to Give Notice to the State Department of Public Health of Cases of Dangerous Disease.

G. L., Ch. 111. SECT. 112. If the board of health of a town has had notice of a case of any disease declared by the department dangerous to the public health therein, it shall within twenty-four hours thereafter give notice thereof to the department, stating the name and the location of the patient so afflicted, and upon request the department shall forthwith certify any such reports to the department of public welfare.

1883, 138, s. 1.

R. L. 75, s. 52.

1919, 350, s. 87, 96.

1886, 101, s. 4.

1907, 480.

For penalty see s. 113, following.

1893, 302, s. 1.

1916, 55.

(8)

Boards of Health to Keep a Record of Reports Received; to Inform School Committee of Contagious Diseases and to Appoint Persons to Send Notices to State Department of Public Health.—Penalty.

G. L., Ch. 111. SECT. 113. Every board of health shall keep a record of all reports received pursuant to sections one hundred and nine to one hundred and eleven, inclusive, containing the name and location of all persons who are sick, their diseases, the name of the person reporting the case, and the date of such report or other data required by the department. Such records shall be kept in the manner or upon forms prescribed by the department. The board shall give

immediate information to the school committee of all contagious diseases so reported to it. Every board shall appoint some persons, who may or may not be a member of the board, who shall give notice, as provided in the preceding section, to the department of diseases dangerous to the public health; and in case of the absence or disability of such appointee the board shall appoint another person to perform this duty during such absence or disability. Such appointments and the acceptance thereof by the persons so appointed shall be placed upon the records of the board. Any person, having accepted such appointment, who wilfully refuses or wilfully neglects or through gross negligence fails to make and send the notices required by the preceding section as provided therein shall be punished by a fine of not more than fifty dollars.

1884, 98, ss. 3, 4.

1919, 350, s. 96.

O. P. A. G. (1919) 1.

1915, 52.

225 Mass. 521.

(9)

Boards of Health to be Notified When a Pupil in a Public School Shows Symptoms of a Communicable Disease.

G. L., Ch. 71. SECT. 56. The (school) committee shall cause the parent or guardian to be notified of any disease or defect from which any child is found to be suffering, or from any defect or disability requiring treatment, ascertained under section 57. A child showing symptoms of smallpox, scarlet fever, measles, chicken pox, tuberculosis, diphtheria or influenza, tonsillitis, whooping cough, mumps, scabies or trachoma shall be sent home immediately, or as soon as safe and proper conveyance can be found; and the board of health shall at once be notified.*

(10)

Owners of Tenement and Lodging Houses in Boston to Notify Health Commissioner when Any Person Sick Therein With Infectious Disease.

Acts 1885, Ch. 382. SECT. 15. The owner, agent of the owner and keeper of any lodging or tenement house, or part thereof, shall, when any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, agent or keeper, give immediate notice thereof to the board of health, and thereupon said board shall cause the same to be inspected and cleansed or disinfected, at the expense of the owner in such manner as they may deem necessary; and may also cause the blankets, bedding and bedclothes used by any such sick person to be thoroughly cleansed, scoured and fumigated, and, in extreme cases, to be destroyed.

For penalty see Acts 1885, ch. 382, s. 21 (Part IV., ch. 3, following).

II.

REGULATIONS.

(11)

Owners, etc., to Notify Health Commissioner of the Removal from Their Premises of any Person Suffering from an Infectious Disease.

Reg. June 8, 1908. Every owner, lessee, tenant and occupant of any dwelling or apartment in the city of Boston shall forthwith

* School physicians shall report to the Health Department all cases of communicable disease that may come under their jurisdiction Sect. 241-9 of the Regulations of the Public Schools of the City of Boston.

report to the Health Department in writing the removal of any person from such dwelling or apartment who shall be suffering from any of the following infectious diseases,—measles, diphtheria (croup), scarlet fever, smallpox, chicken-pox, epidemic cholera, typhus fever, rubella (rothen), plague, whooping cough or tuberculosis (of any organ).

For penalty, see G. L., ch. 111, s. 105 (chap. 1 (5) preceding).

(12)

Milk Producers, etc., to Notify Health Commissioner of any Case of Infectious Disease Among Their Families or Employees, or Within a Building Where Milk is Stored.

Reg., April 15, 1915. ART. 5. Every person engaged in the production, storage, transportation, sale, delivery or distribution of milk or cream, immediately on the occurrence of any case or cases of infectious disease, either in himself, or in his family, or amongst his employees or their immediate associates, or within the building or premises where milk or cream is stored, sold or distributed, shall notify the Boston Board of Health, and at the same time shall suspend the sale and distribution of milk or cream until authorized to resume the same by the said Board. No vessels which have been handled by persons suffering from such diseases shall be used to hold or convey milk or cream until they have been thoroughly sterilized.

For penalty, see G. L., ch. 111, s. 5. 105 (chap. 1 (5) preceding).

References.

No person affected with infectious disease shall be permitted to work in a bakery. G. L. ch. 111, s. 44.

Evidence of infectious disease found in any workshop, etc. by inspector of state department of labor and industries shall be reported to local Board of Health for further examination. G. L. ch. 149, s. 144 (chap. 6 (16) following).

Undertakers shall give immediate notice to the Health Department of any death from contagious disease in Boston coming to their notice; also, of the bringing of such a body into the city. Reg. October 18, 1912 (Part III, chap. 1 (8) following).

CHAPTER 3.—DAY NURSERIES, LYING-IN HOSPITALS AND THE PROTECTION OF INFANTS.

Sect.

1. "Day nursery" defined.
2. Conducting day nursery without a license from the board of health, prohibited. Application for license to be on forms prescribed by board and to be uniform for all. Sworn statement to be attached; and if shows, a public benefit license will be issued. Term of license to expire at end of year. Renewal. Not transferable, without approval of board. Fec.
3. Boards of health to make regulations, etc., in accordance with which day nurseries shall be licensed and conducted. Failure to comply with regulations to be cause for revocation of license.
4. Boards of health authorized to inspect day nurseries at any time. Every day nursery to be inspected at least once a year. Board authorized to revoke license if public interest so demands, and after thirty days' notice and opportunity to be heard. Every day nursery to furnish to board reports, information, etc.
5. Penalty for conducting day nursery without a license, or in violation of certain sections of law or of any rule or regulation made under section 60. If person conducting day nursery shall be found guilty of violation of certain sections or regulations relating to the safety, etc., of the children, the board shall issue an order closing such nursery until such law, etc., has been complied with.
6. Protection of infants. Whoever engages in business of taking infants under three years of age to board shall give written notice to local board of health of every infant received other than the first two. Board authorized to inspect premises and enforce necessary sanitary precautions. Penalty.
7. Lying-in hospitals. License by State Department of Public Welfare upon certificate of condition from local board of health. Hospitals to be under supervision of State Department of Public Welfare, but subject also, to visitation and inspection by local board of health and in certain cases by the State Department of Public Health.

Sect.

8. Rules and regulations for the licensing and management of day nurseries in the City of Boston:
 1. Register to be kept for record of every child admitted. Data to be recorded. Reports of medical examinations to be kept on file.
 2. Rooms to be provided with adjustable windows opening directly to the open air, and effectively screened from flies and mosquitoes, from May 15 to November 15. Light and fresh air required at all times.
 3. Cubic feet of air space per inmate, prescribed. Window area. Walls and floors to be of construction and finish to permit cleaning by soap and water.
 4. Certain rooms below level of ground not to be used without written authorization from Health Commissioner.
 5. Separate room to be provided for exclusive use of children less than one year old.
 6. Floors, walls, etc., to be kept clean. Dry sweeping prohibited. Carpets, etc., not to be permitted in rooms for children.
 7. Suitable toilet facilities to be provided for the children. "Split seats" required, and separate accommodations for boys and girls of school age.
 8. Beds, etc., to be of metal. Placing and covering of same, prescribed. Washable covers for blankets, etc. Cleanliness required.
 9. Adequate supply of running hot and cold water, required.
 10. Ventilation and heating to be in accordance with the needs of the inmates. Methods of ventilation prescribed. Wire screens required in certain cases.
 11. Isolating room to be provided. Number prescribed. Entrance to same regulated. Air space per inmate. Windows. Method of disinfection prescribed.
 12. Daily rest period to be made for children less than three years old, etc.
 13. Children to be permitted to spend part time in open air.

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| <p>Sect.
8. 14. Requirements prescribed which must be met before any child admitted:</p> <ul style="list-style-type: none"> (a) No child less than six months old except in emergency, etc. Exceptions. (b) Certificate from physician that child has no communicable disease, etc. (c) Proof that child's home is not apt to make the child a source of danger to the health of the other children. (d) Child must have been vaccinated. Exception. <p>15. Above certificate of physical examination and personal examination of child's home required if child absent from day nursery seven days or more, on readmission. Exception.</p> <p>16. Each child to be examined upon admission, etc., for evidence of communicable disease. Features to be included in such examinations, prescribed. When child to be isolated.</p> <p>17. Child showing symptoms of communicable disease, etc., to be removed from nursery as soon as practicable, otherwise placed in an isolating room.</p> <p>18. Child showing abnormal conditions to be treated as provided in preceding section. Exception. Abnormal conditions calling for such action prescribed.</p> <p>19. Certain nursery garments to be provided.</p> <p>20. Care of diapers, regulated.</p> <p>21. Separate wash towels required.</p> <p>22. Cleanliness of children's hands.</p> | <p>Sect.
8. 23. Eating and drinking utensils of the children to be thoroughly cleansed. Boiling or steaming prescribed.</p> <p>24. Bottles and nipples to be sterilized before re-use.</p> <p>25. Refrigerators and kitchen utensils to be kept clean. Bottles of milk to be cleaned before opening.</p> <p>26. Food provided to children to be suitable. Milk to be necessary part of diet.</p> <p>27. Every child to be provided with comb, etc. Instruction in use of toothbrushes. Articles of each child to be kept separate from those of others.</p> <p>28. Separate hooks to be provided for clothes of every child. Manner and place of hanging clothes prescribed.</p> <p>29. Every attendant on the children to be free from disease, and of proper experience, etc. Number of children assigned to care of any one attendant, prescribed.</p> <p>30. Building to be provided with such fire protection as shall be satisfactory to the Building Commissioner.</p> <p>31. Licensees to conform to all statutes, etc. License may be revoked at any time. Any violation of the specifications of the license to work an immediate revocation thereof. Indemnity.</p> <p>9. Orders, directions and restrictions: Medical inspectors to visit once a month places where infants taken to board and Lying-in-Hospitals.</p> <p>10. Medical division to enforce laws relating to day nurseries.</p> |
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I.

STATUTES.

(1)

"Day Nursery" Defined.

G. L., Ch. 111. SECT. 58. In sections fifty-eight to sixty-two, inclusive, "day nursery" shall mean any institution, establishment or place not conducted by the commonwealth or any town in which are commonly received, with or without charge, at one time, three or more children not of common parentage, under the age of fourteen, for periods exceeding four but not exceeding twelve hours, for the purpose of nursing and care apart from their parents or guardians.

(2)

Conducting a Day Nursery Without a License From the Board of Health Prohibited. Application for License. Issue of License. Term. Renewal. Not Transferable. Fee.

G. L., Ch. 111. SECT. 59. No person shall conduct a day nursery without obtaining a license from the board of health. An application therefor shall be in a form prescribed by the said board, and shall be uniform for all day nurseries within the board's jurisdiction. There shall be attached to the application a statement, sworn to by the applicant, or by an officer thereof duly authorized thereto, containing such information as may be required by the board. If in the judgment of the said board the said statement or any other evidence submitted in relation to the application indicates that the operation of the proposed day nursery will be for the public benefit and welfare, a license, in such form as the board may prescribe, shall be issued to the applicant. All licenses shall expire at the end of the year in which they are issued, but may be renewed annually on application as above provided. No license shall be transferred except with the approval of the said board. For the issue or renewal of each license a fee of one dollar shall be charged. All fees shall be paid to the town where the nursery is situated.

1919, 195, s. 2.

For penalty see G. L., Ch. 111, section 62, (5), following.

(3)

Boards to Make Regulations in Accordance with which such Nurseries Shall be Licensed and Conducted. Violation of Same to be Cause for Revocation of License.

G. L., Ch. 111. SECT. 60. Boards of health shall make rules and regulations, and may revise or change them, in accordance with which day nurseries shall be licensed and conducted; and failure to comply with any such rule or regulation shall be sufficient cause for revocation of the license in the manner provided in the following section.

1919, 195, s. 3.

(4)

Boards Authorized to Inspect Day Nurseries at Any Time. Every Such Nursery to be Inspected at Least Once a Year. Manner of Revoking License Prescribed. Nurseries to Furnish Boards with Reports, Information, Etc.

G. L., Ch. 111. SECT. 61. Boards of health by their authorized agents may visit and inspect any day nursery at any time to ascertain whether it is licensed and conducted in compliance with law and with the rules and regulations made under the preceding section. Every day nursery shall so be visited and inspected at least once in each year. After thirty days' notice to a licensed day nursery an opportunity to be heard, the board of health may, if in its judgment the public interest so demands, revoke its license. Every day nursery shall furnish to the said board such reports, information and other data as it may require.

For penalty see G. L., Ch. 111, section 62, (5), following.

(5)

Penalty for Conducting Day Nursery Without a License or in Violation of Certain Statutes and Regulations. Boards to Issue Order Closing Nursery in Certain Cases.

G. L., Ch. 111. SECT. 62. Whoever establishes, conducts, manages, or maintains a day nursery without first obtaining a license therefor, or after the revocation of the license, or in violation of any provision of sections fifty-eight to sixty-two, inclusive, or of any rule or regulation made under section sixty shall be punished by a fine of not less than ten nor more than two hundred dollars. If any person conducting a day nursery shall be found guilty of a violation of any provision of sections fifty-eight to sixty-two, inclusive, or of any rule or regulation, in any particular relating to the safety of or the accommodations for the children, the board of health shall issue an order directing that such nursery be closed, and remain closed until such provision, rule or regulation has been complied with.

1919, 195, s. 6.

(6)

Protection of Infants. Notice to Boards of Health. Boards Authorized to Inspect. Penalty.

G. L., Ch. 119. SECT. 19. Whoever engages in the business of taking nursing infants or infants under the age of three to board, or of entertaining or boarding more than two such infants in the same house at the same time, shall within two days after the reception of every such infant other than the first two, give written notice * thereof to the board of health of the town where such infant is to be boarded, stating its name and age and the name and residence of the person so taking it to board. The board of health may enter and inspect such house or premises while such business is there carried on, and may direct and enforce necessary sanitary precautions relative to such children and premises. No person shall refuse admission to the board of health. Violation of any provision of this section shall be punished by a fine of not less than fifty nor more than five hundred dollars.

1876, 158.

P. S. 80, ss. 60, 61.

R. L. 83, s. 16.

NOTE.—The above section appears to give to the Health Commissioner of the city of Boston authority to inspect, although the premises are licensed by and under the supervision of the State Department of Public Welfare as Infant Boarding Houses.

(7)

LYING-IN HOSPITALS.**License by State Department of Public Welfare upon Certificate by Local Board of Health.**

G. L., Ch. 111. SECT. 71. The department of public welfare may issue a license, subject to revocation by it, to any person to whom it seems suitable and responsible to establish or keep for two years a lying-in-hospital, hospital ward or other place for the reception, care and treatment of women in labor, if

* The requirement of notice is without regard to the length of time the child is actually in the custody of the person receiving it, and is also without regard to other provisions of law requiring a license for maintaining such an establishment. See 162 Mass., 596 in which is considered similar provisions in a law on this subject (G. L., 119, s. 6).

the local board of health shall first certify to said department that, from its inspection and examination of such hospital, hospital ward or other place aforesaid, the same is suitable therefor.

Such Hospitals to be Under Supervision of State Department of Public Welfare, but are also Subject to Visitation and Inspection at Any Time by the Board of Health.

G. L., Ch. 111. SECT. 72. The department of public welfare shall have supervision of all such hospitals, hospital wards or other places, may make necessary rules for their regulation, and may visit and inspect the same. The said hospitals, hospital wards and other places shall be subject to visitation and inspection at any time by the head of the police department, or his authorized agent, or the board of health of a city, or by the chief of police, selectmen or the board of health of a town, and, if during the year it receives more than six patients by the department of public health.

1876, 157.

P. S. 80, 56-59.

1886, 101, s. 4.

R. L. 75, ss. 62-64.

1910, 569.

1911, 264.

II.

REGULATIONS.

(8)

Licensing and Management of Day Nurseries.

Reg. Feb. 16, 1920, Ordered That under authority of section three of chapter 195, Acts of 1919, the following rules and regulations be and are hereby promulgated for the licensing and conduct of day nurseries in the City of Boston, to take effect on March 1, 1920.

Register to be Kept. Data to be Recorded. Reports of Medical Examinations to be on File.

(1) Every person, firm, association or corporation receiving a child in a day nursery shall record at the time of the admission of such child in a register kept for that purpose, the name and address of such child, the date of its admission, the names and addresses of its parents and guardians or of other persons from whom the child is received, the physical condition of the child, and the reason for its placement in a day nursery; and immediately upon the final withdrawal or dismissal of any child from the nursery, shall enter the time of such withdrawal or dismissal. All written reports and records and all certificates, showing the results of the medical examination of any inmate of the day nursery, whether during the time the child was an inmate, or before or after that time, relating to its status as an inmate of the nursery, shall be kept on file by the person, firm, association or corporation conducting said nursery.

Windows. Screens at Certain Seasons. Light and Fresh Air.

(2) Every room in a day nursery in which children are kept must be provided with adjustable windows opening directly into the open air, which windows and all doors, from May 15 until November 15 of each year, shall be effectively screened so as to prevent the entrance of flies and mosquitoes. Such windows and doors shall be so regulated as to provide the several rooms they serve with an adequate amount of light and fresh air at all times.

Air Space. Window Area. Construction and Finish of Walls and Floor.

(3) Every room regularly occupied by children shall contain at least 300 cubic feet of air space per inmate, unless otherwise specially authorized in writing by the Health Commissioner, and the total window area of any such room shall be equivalent to not less than 15 per cent of the floor area. The walls and floors of every such room shall be so constructed and finished as to permit them to be readily cleaned with soap and water.

Use of Underground Rooms Regulated.

(4) No room which is in any part below the level of the sidewalk or ground outside of the building shall be used regularly for the housing of children, unless such use has been expressly authorized in writing by the Health Commissioner.

Separate Room for Children Under One Year Old.

(5) One or more separate, independent room or rooms shall be provided for the exclusive use of children less than one year old.

Cleaning Floors, etc. Dry Sweeping and Use of Carpets Regulated.

(6) All floors, walls, window furnishings, furniture and equipment shall at all times be kept clean and sanitary. Dry sweeping and cleaning of rooms is prohibited. No carpets, stuffed furniture, or other unwashable material or furniture shall be permitted in rooms for the care of children.

Toilet Facilities. Split Seats. Separate Accommodations.

(7) Suitable lavatory and toilet facilities shall be provided for the children, which facilities shall, with respect to construction, location and elevation, be suitable for their needs. Water-closets shall be provided with "split seats." Separate toilet accommodations shall be provided for boys and for girls of school age.

Beds and Coverings Prescribed. Washable Covers for Blankets. Cleanliness Required.

(8) Each bed or crib shall be of metal, and when in use shall be placed so that one bed or crib shall be as far removed as practicable from every other bed and crib. Each bed and crib shall be covered with comfortable, easily-cleaned, woven wire or other springs, comfortably and suitably covered by blankets or otherwise. Such blankets or other coverings shall be protected by washable covers of rubber or oilcloth or of other material impervious to liquids, that can be easily removed and cleaned. Every bed and crib and everything connected therewith shall be kept at all times in a clean and sanitary condition.

Water Supply.

(9) Every day nursery shall have at all times an adequate supply of running hot and cold water.

Ventilation and Heating. Wire Screens.

(10) Every day nursery shall be adequately ventilated and heated in accordance with the needs of the inmates. Whenever any room ordinarily occupied by the inmates and in which the windows have been totally or partly closed has been temporarily vacated, as at meal times, all windows shall be opened as long as possible without preventing the room from regaining a proper temperature by the time the children return. When the room is vacated at the close of the day, all windows shall be opened and the room thoroughly aired. Wire screens shall be placed around all stoves, open fire places, and other heating apparatus, when in use, unless such heating apparatus is so placed and constructed as to be out of reach of the children.

Isolating Rooms. Number. Entrance. Air Space. Windows. Disinfection.

(11) Every day nursery shall be provided with at least one isolating room approved by the Health Commissioner, and if the number of inmates of such nursery exceeds thirty, then one such isolating room in addition to the minimum specified above shall be provided for each additional thirty children or part thereof. Such isolating rooms shall have means of ingress and egress otherwise than through rooms occupied by inmates of the nursery not confined in such isolating rooms; shall have air space of not less than 600 cubic feet per inmate; and shall be provided with a window opening directly into the outer air, capable of being opened so as to admit fresh air freely into the room. An isolating room shall contain, when in use for purposes of isolation, no furniture, bedding, carpet or other furnishings that cannot be subjected to boiling water. After an isolating room has been occupied by a child suffering from a communicable disease, including parasitic diseases, or from an illness suspected of being communicable, every article which has come directly into contact with the isolated child, whether before or after admission to the isolating room, shall be immediately washed, the room shall be thoroughly cleaned, the windows of the room shall be left open until the room is thoroughly aired, and such other measures shall be taken with respect to the room and its contents as, under the special circumstances of the case, appear necessary or advisable to prevent the spread of the disease or suspected disease.

Daily Rest Period for Certain Children.

(12) Suitable provision shall be made for a daily rest period free from disturbing influences, for all children less than three years old, and for such others as may need that care.

Children to Spend Part Time in Open Air.

(13) Adequate provision shall be made for permitting all children to spend a part of the time during which they are inmates of the day nursery in the open

Requirements Before Admission.

(14) No child shall be admitted to a day nursery until the following requirements are met:

Children Under Six Months of Age.

(a.) Except in case of emergency and then only as long as the emergency continues, no child less than six months old shall be admitted to a day nursery without the written permission of the Health Commissioner, unless such nursery is a part of an establishment wherein the mother is employed and the mother is afforded adequate opportunities to nurse her child.

Certificate of Physical Examination.

(b.) It must appear from a certificate issued by a physician in good professional standing, satisfactory to the management of the nursery, based upon a personal examination of the child within twenty-four hours immediately preceding admission of the child to the nursery, that the child has no communicable disease, nor communicable vaginitis, nor urethritis, and is free from any mental or physical abnormality reasonably apt to make the child's association with other children in any way detrimental to them.

Personal Investigation of Child's Home and of Certain Records.

(c.) It must appear from a personal investigation of the child's home and of the records of the Health Department, made by the authorized agent of the licensee of the day nursery, that no member of the child's household not

any person in the building is suffering from any disease reasonably apt to make the child a source of danger to the health of other children in the nursery; and that there are no other conditions in the child's home likely to make the admission of the child detrimental to the welfare of other children in the nursery.

Vaccination.

(d) No child shall be admitted to any day nursery who has not been successfully vaccinated, except as may be specially authorized in writing by the Health Commissioner.

Readmission Requirements After Seven Days' Absence.

(15) Unless it appears beyond reasonable doubt that a child's absence was in no way related to the occurrence in the child or any other person in the child's home of a case of illness which might make the child a source of danger to other children in the nursery, the foregoing requirements with respect to a certificate of physical examination and personal investigation of the child's home must be complied with before readmitting to the nursery a child who has been absent seven days or more.

Physical Examination When Child to be Isolated.

(16) Immediately upon first admission to the nursery and from day to day thereafter as circumstances indicate, each child shall be examined for evidence of communicable disease by the superintendent or matron, or by the physician or nurse attached to the nursery; and the licensee of the nursery will be held to a strict accountability for the frequency and thoroughness of such examination and for the prompt exclusion of all children presenting reasonable evidence of communicable disease. Such examination shall include the following features:

(a.) An inspection of the child's head sufficient to disclose the presence of lice or nits, if they be present.

(b.) An inspection of the seams and neck bands of the child's undershirt sufficiently close to disclose the presence of body lice, if they be present.

(c.) An inspection of the child's ears for signs of discharge.

(d.) An inspection of the skin of the child's forehead, face, neck, chest, wrists and hands to reveal the presence of ringworm, itch and rash, or beginning pimply eruption of any sort, if it be present.

(e.) An inspection of the child's neck sufficient to disclose any acute swelling of the parotid, submaxillary or throat glands, if there be any such swelling.

(f.) An inspection of the child's eyes for signs of conjunctivitis or of corneal or other inflammation.

(g.) An inspection of the child's nostrils for membrane, scabs or bloody discharge.*

(h.) An inspection of the child's throat, including the soft palate, for the presence of membrane or of a papillary eruption or rash.†

(i.) If there be any reason to believe that the child is unwell at the time of admission or return, the child's temperature should be taken, and if it be

* These signs are suggestive of nasal diphtheria.

† For the purpose of making this inspection a flashlight or portable electric light should be provided. When necessary to obtain a good view of the throat, a wooden tongue depressor should be used which after use should be dropped at once into a disinfecting solution in a receptacle provided for that purpose, and kept there until burned or otherwise destroyed. An adequate supply of wooden tongue depressors should always be kept on hand. It is to be remembered that in every acute eruptive disease, a rash or eruption in the throat always precedes the appearance of the rash or eruption on the skin, although of course such rashes or eruptions are sometimes difficult to detect and are frequently overlooked.

above 99.2 degrees Fahrenheit the child should be isolated and treated generally as though it were suffering from a communicable disease.*

Provision for Child Showing Certain Symptoms.

(17) A child showing symptoms of any communicable disease, including any parasitic disease, shall be removed as soon as practicable from the nursery in such manner as will comply with the regulations of the Health Department and otherwise tend to protect the public. If the immediate removal be impracticable, the child shall be placed in an isolating room, pending removal.

Applicable Also in Doubtful Cases. Abnormal Conditions Described.

(18) A child showing abnormal conditions of doubtful significance shall be removed from the nursery as provided in the preceding section, or shall be placed at once in an isolating room, and shall not be permitted to mingle with other children in the nursery unless a physician in good professional standing, satisfactory to the management of the nursery, shall certify in writing after a personal examination of the child, that the child is suffering from no condition reasonably apt to make it a danger to the health of other children in the nursery. In event of inability to obtain such a certificate from a physician, the child is to be regarded as manifesting symptoms of a communicable disease and is to be removed from the nursery in accordance with the requirements prescribed in the preceding paragraph. Among the abnormal conditions calling for such action are a rash or suspicious eruptions on the skin; a rash, eruption, or white patches in the throat or mouth; a discharge from the ear; possible secretions, other than tears, in the eyes; acutely swollen glands; a blood-streaked discharge from, or scabs or membrane within, the nostril; temperature above 99.2 degrees Fahrenheit, by mouth, or 99 degrees Fahrenheit, by axilla; or a temperature above normal for two successive days even though less than the temperature just specified.

Nursery Garments.

(19) Unless the clothing on a child is thoroughly clean on admission, a suitable garment shall be provided by the nursery, and shall be worn throughout the day. Such nursery garments shall be marked for identification and reserved for individual use, unless a freshly laundered garment is provided daily.

(20) Every diaper shall be rinsed out immediately after being soiled and shall be boiled before the end of the day, and the soiled diapers shall not be given to mothers to take away from the nursery.

Individual Wash Towels.

(21) Each child shall be supplied with a separate, individual wash cloth and towel, which when not in use shall be hung on hooks provided for the purpose. The hooks shall be so placed and separated that the wash cloths and towels of one child shall not come into contact with the wash cloths and towels of another child. Wash cloths shall not be used longer than twenty-four consecutive hours without having been boiled.

* Unless the temperature is taken by a trained worker, familiar with the disinfecting of the clinical thermometer and with its use, it is better to take the temperature under the arm, or in the groin, rather than elsewhere. For the purpose of taking temperatures, suitable numbers of thermometers should be constantly on hand. When one is used, whether for the taking of a temperature under the arm in the groin, or elsewhere, the thermometer should not be used again until it has been thoroughly cleaned and disinfected. This is most conveniently accomplished by placing the thermometer immediately after use in a proper receptacle in the bottom of which absorbent cotton has been placed so as to guard against breakage and which has been partly filled with a 2 per cent mixture of formaldehyde and water, colored with potassium permanganate or other coloring matter to identify it and prevent poisoning accidents. After removal from the disinfecting solution, the thermometer should be thoroughly scrubbed with a brush in a strong solution of soap and water, carefully rinsed with fresh water, and again placed in the disinfecting solution for five minutes or more before being wiped on a clean towel and put away for further use. Before being used again, it should be rinsed to remove the remains of the disinfecting solution.

Cleanliness of Children's Hands.

(22) Each child shall be required to wash its hands before eating, except in the case of bottle-fed babies, and in the case of other children too young to wash their own hands properly. In the latter case, the hands of the children shall be properly washed by attendants in the service of the nursery.

Eating and Drinking Utensils. Methods of Sterilizing.

(23) Every eating and drinking utensil used by any child shall be thoroughly cleaned with soap or other suitable cleansing material, and water, and shall be rinsed with clean water, before being used by any other child. In connection with the washing or the rinsing of eating and drinking utensils, including glasses, they shall be subjected to boiling water, or to steam at a temperature at or above the temperature of boiling water, for a period of at least five minutes.

(24) Bottles and nipples shall be thoroughly washed and sterilized before being used again.

Refrigerators and Kitchen Utensils.

(25) Refrigerators and all kitchen utensils shall be kept clean and sanitary at all times. Bottles of milk delivered by milk dealers shall be carefully washed and cleaned before being opened.

Food Regulated.

(26) All food furnished to the nursery shall, with respect to quantity character, variety and method of preparation, be suitable for the children to whom it is given. Wholesome milk is to be regarded as a necessary, regular part of the diet every day of every child in the nursery.

Articles for Child's Personal Use.

(27) Each child shall be provided with a comb, with a hair brush, if necessary, and with a tooth brush if its period of dentition requires it. Every child shall be instructed in the use of the tooth brush and required to use the tooth brush at least once a day if his period of development justifies it. Provision shall be made for keeping combs, hair brushes and tooth brushes in such a way that these articles used by one child shall not come into contact at any time with similar articles used by others.

Care of Clothing.

(28) Separate hooks shall be provided for the clothing of each child. These hooks shall be so separated that the clothing of one child shall not come into contact with those of any other child. The place provided for the hanging of clothing shall be so situated and designed that the clothing shall be at all times exposed to the light and air.

Requirements for Attendants.

(29) Every attendant in the service of the nursery who comes into contact with the children accommodated therein shall be free from all communicable diseases, and of proper health, education, experience and training to enable her to perform properly her duties. Not more than six children under one year, nor more than ten between one and three years of age, nor more than fifteen between three and twelve years of age, shall be assigned to any one attendant for care.

Fire Protection.

(30) Every building occupied in whole or in part as a day nursery shall have such fire protection and shall be provided with such sprinklers, fire escapes, means of ingress and egress and other equipment and facilities for the protection of the inmates against fire as shall be satisfactory to the Building Commissioner.

Duties of Licensee. Revocation of License. Indemnity.

(31) Every person, firm, association or corporation accepting a license under these regulations shall conform to all statutes, ordinances pertaining to the establishment and maintenance of day nurseries, and of the specifications in the license; and the license may be revoked at any time by the Health Commissioner. Any violation of the specifications in the license shall work an immediate revocation thereof. The licensee shall indemnify and save harmless the City of Boston from any damage it may sustain or be required to pay by reason of the work licensed or permitted, or by reason of any act of himself or of his employees relating to such work or by reason of any violation of the specifications.

ORDERS, RESTRICTIONS AND REQUIREMENTS.

(9)

Medical Inspectors to Visit Once a Month Places Where Infants Taken to Board and Lying-in Hospitals.

Vote, Mar. 1, 1880. It shall be the duty of the medical inspector to visit as often as once in each month all places where, within the meaning of Chapter 158 of the Acts of 1876 (now G. L., Ch. 119, Sect. 19, see (6) preceding), the business of taking infants to board is carried on and which may be known to the board of health. He shall note the general sanitary condition of the house and premises, the number and condition of the children, the attention and care they are receiving and shall report monthly the substance of such observations with such recommendations and remarks as he may deem necessary to the board of health. The cleanliness of the children, the quality, preparation and administration of their food, the ventilation of their apartments and the adaptability of their clothing shall be subjects of special inquiry.

It shall also be the duty of the medical inspector to visit and inspect all places licensed as lying-in hospitals * once in each month, to note the general sanitary condition of the house and premises, the number of lying-in patients, the care and attention they are receiving and shall report monthly the result of such examination.

(10)

Medical Division to Enforce Laws Relating to Day Nurseries.

Dec. 19, 1919. Ordered: That the execution and enforcement of all laws and regulations pertaining to day nurseries as such be and is hereby assigned to the Medical Division; provided, however, that the duty of issuing licenses be entrusted to the secretary who will issue such licenses on the recommendation of the Deputy Commissioner, Medical Division.

References.

Sect. (6.) Infant Boarding Houses. Business of providing care, food and lodging for infants under two years of age required to be licensed by the State Department of Public Welfare. Such department and boards of health, except in Boston, shall annually visit and inspect premises so licensed G. L., ch. 119, ss. 1-5.

Whoever receives under his care and whoever places under the care of another an infant under two years of age, not related by blood or marriage to the person receiving it, shall within two days

* At the date of this order, the licensing and supervision of lying-in hospitals was wholly within the jurisdiction of the city, whereas now it is under the jurisdiction of the State Department of Public Welfare; nevertheless, such hospitals are subject to visitation and inspection at any time by the board of health of a city, see (7) preceding.

thereafter, give notice thereof, to the State Department of Public Welfare. The department upon receipt of such notice or of any information of such reception, may investigate the case and make such recommendations as it deems expedient. G. L., ch. 119, ss. 6-8.

Sect. (7.) Sanitary Division of the Boston Health Department shall report suitability of any building in Boston for occupancy as a lying-in hospital from the point of view of fire hazard as well as from the point of view of sanitation and health. Order of the Health Commissioner, Sept. 11, 1918, (Part IV., Ch. 12 (4).)

Sect. (8)-[11.] Householdors shall disinfect to the satisfaction of the board of health such rooms of the house as have been exposed to infection upon the death, recovery or removal of a person sick with a dangerous disease. G. L., ch. 111, s. 109 (see (4) of chapter 2 preceding).

CHAPTER 4. HOSPITALS, ESTABLISHMENT AND MAINTENANCE OF.

Sect.

1. Certain hospitals to keep records of treatment of cases and medical history of same. Certain old records to be in custody of persons in charge of hospital.
2. No person shall occupy a building for a hospital in a part of the city prohibited by the City Council. Penalty.
3. City of Boston authorized to erect, under direction of its health and building commissioners, temporary wooden buildings for infectious diseases.
4. Every person using a building in the City of Boston for a hospital shall register annually in April with the building department and shall specify the precautions provided in such buildings against fire. Penalty.
5. The construction, alteration and maintenance of hospitals in the City of Boston, regulated:
 1. When to be first-class buildings, etc.
 2. Basements, etc., to have automatic sprinklers.

Sect.

5. 3. Lighting of halls and stairs.
4. Light and ventilating shafts to be enclosed in the basement with masonry walls.
5. Building commissioner may suspend provisions of act in case of epidemic of disease upon recommendation of the Health Commissioner and approval of mayor.
6. Health Commissioner and building commissioner, acting jointly, may make regulations governing the establishment and maintenance of hospitals whether for human beings or for domestic animals and to regulate the issue of licenses for same.
7. Persons conducting hospital to register annually as required by law.
8. Penalty for violation of act.
6. Officer in charge of a public institution shall notify relatives in case of serious illness of any inmate thereof.

I.

STATUTES.

(1)

Certain Hospitals to Keep Record of Cases.

G. L., Ch. 111. SECT. 70. Hospitals supported in whole or in part by contributions from the commonwealth or from any town, incorporated hospitals offering treatment to patients free of charge, and incorporated hospitals conducted as public charities shall keep records of the treatment of the cases under their care and the medical history of the same. Such records and similar records kept prior to April twenty-fifth, nineteen hundred and five, shall be in the custody of the person in charge of the hospital.

1905, 330, ss. 1, 2.
1908, 269.

1912, 442, ss. 1, 2.
202 Mass. 359.

225 Mass. 521.
234 Mass. 480.

(2)

No Person Shall Occupy a Building for a Hospital in a Part of the City Prohibited by City Council. Penalty.

G. L., Ch. 111. SECT. 75. Whoever occupies or uses a building for a hospital in a part of a town prohibited by the aldermen or selectmen shall forfeit not more than fifty dollars for every month of such occupancy or use and in like proportion for a shorter time. The supreme judicial or superior court may restrain such occupancy or use.

1870, 306.

R. L., 75, s. 38.

1906, 365, s. 1.

P. S. 80, s. 73.

(3)

City of Boston Authorized to Erect Temporary Wooden Buildings for Hospitals for Infectious Diseases.

Acts 1873. SECT. 4. The city of Boston is hereby authorized to erect, under direction of its board of health and inspector of buildings any wooden buildings within the city, for hospital purposes, the same to remain only so long as said board deems it necessary; provided, that every such hospital shall be constantly guarded outside by a competent force of at least three of the police of said city.

(4)

Every Person Occupying a Building for a Hospital in Boston, to Register Annually With Building Commissioner and State Particulars as to Fire Protection.

Spec. Acts 1919, Ch. 32. SECT. 1. Every person, firm or corporation, using or occupying a building in the city of Boston as a hospital, shall annually in April register with the building department of the city the name of the person, firm or corporation conducting the hospital and the situation of the building, and shall state, upon forms prescribed by the building commissioner, the number of occupants, the means of egress, the system of automatic sprinklers, the lights, fire stops, and other precautions against fire provided in such building.

Penalty.

SECT. 2. Violation of this act shall be punished by a fine not exceeding five hundred dollars.

(5)

The Construction, Alteration and Maintenance of Hospitals in the City of Boston.*When to be First Class Buildings, etc.*

Spec. Acts 1919, Ch. 163. SECT. 1. Every building in the city of Boston exceeding three stories or forty feet in height hereafter erected, altered or designed for use or occupation as a hospital shall be a first class building as defined in chapter five hundred and fifty of the acts of nineteen hundred and seven and the amendments thereof. Every such building shall be provided with at least two enclosed stairways, shall have an additional enclosed stairway if the number of occupants at any time, equals seventy-five, and a further additional enclosed stairway for every additional one hundred occupants which it may at any time contain.

Every building in the city of Boston three stories or less in height, or less than forty feet in height, hereafter erected, altered or designed for use or occupation as a hospital may be of second or third class construction, shall have means of egress satisfactory to the building commissioner, and no story or part of a story above the second shall be used for the care, treatment or lodging of patients.

Basements, etc., to Have Automatic Sprinklers.

SECT. 2. The elevator, light and ventilating shafts and basements in all hospital buildings specified in section one, shall be provided with a system of automatic sprinklers approved as to location, arrangement and efficiency by the building commissioner.

Lighting of Halls and Stairs.

SECT. 3. The halls and stairs in all hospital buildings specified in section one, shall be provided with proper and sufficient lights which shall be kept lighted during the night.

Light and Ventilating Shafts to be Inclosed in the Basement with Masonry Walls.

SECT. 4. The elevator, light and ventilating shafts in all hospital buildings specified in section one, shall be enclosed in the basement with masonry walls not less than eight inches thick or with two-inch metal and plaster partitions.

Provisions of Act May be Suspended in Case of Epidemic of Disease.

SECT. 5. In case of an existing or impending epidemic of a disease, the building commissioner, upon the recommendation of the health commissioner and with the written approval of the mayor, may temporarily suspend the provisions of this act.

Health Commissioner and Building Commissioner may Promulgate Regulations Governing the Establishment, Etc., of Hospitals Whether for Human Beings or for Domestic Animals, and the Issue, Etc., of Licenses.

SECT. 6. The health commissioner and the building commissioner, acting jointly, are hereby authorized to promulgate, from time to time, such regulations as in their judgment public interests require, to govern the establishment and maintenance of hospitals whether for human beings or for domestic animals, and to regulate the issue, suspension and revocation of licenses for the same.

Persons Conducting Hospital to Register as Required by Law.

SECT. 7. Every person, firm or corporation hereafter using or occupying a building in the city of Boston as a hospital shall forthwith register with the building department in the manner required by chapter thirty-two of the Special Acts of 1919, setting forth all the facts and data therein specified.

Penalty.

SECT. 8. Violation of this act shall be punished by a fine not exceeding five hundred dollars.

II.

ORDINANCES.

(6)

Public Institutions. Notice of Illness of Inmates.

R. O. 1914, Ch. 3. SECT. 26. Every officer or board in charge of a public institution shall, in case of serious illness of any inmate of such institution, notify or cause to be notified promptly, the nearest relatives or friends of such inmate.

References.

Sect. (2.) Lying-in hospitals required to be licensed by the State Department of Public Welfare upon certificate by local board of health of its suitability. Gen. L., ch. 111, s. 71 (see Part IV, chapter 12, following).

Sect. (1.) Every hospital furnishing medical or surgical aid to any person at the expense of a town, shall, upon request, furnish such town with all information it has or can secure from the patient, or from any person with whom it has dealt with respect to such person, relating to his legal settlement. Penalty. Gen. L., ch. 117, s. 43.

CHAPTER 5. HOSPITALS FOR COMMUNICABLE DISEASES.

Sect.	Sect.
1. Cities shall maintain one or more hospitals for the reception of persons with a communicable disease. Exemptions. Such hospitals to be subject to regulations of local board of health. Plans for construction of such hospitals shall be approved by State Department of Public Health. State district health officers to examine such hospitals, public and private, annually and report as to their condition and needs to those responsible for their management. Penalty. Exemptions.	dispensaries, which shall be subject to local board of health regulations and shall be inspected by and satisfactory to the State Department of Public Health. Penalty.
2. Physicians, nurses, patients, etc., coming within the limits of such hospitals, and all furniture, etc., there, to be subject to regulations of local board of health.	11. Minimum requirements for tuberculosis dispensaries as defined by the State Department of Public Health. Control and maintenance of dispensary. Supervision. Waiting and examining rooms required. Equipment. Service. Staff. Appointment of nurses. Location.
3. Persons from adjoining town may be received for treatment by board of health of towns having such hospitals.	12. Cities placing tuberculosis patients in hospital to receive from state a weekly subsidy for each patient showing tubercle bacilli in sputum, and in certain other cases.
4. Boards of health shall direct in writing the removal to a hospital of a prisoner in a jail, etc., when infected with a communicable disease. Return to jail upon recovery. Copy of order for prisoner's removal, with the doings thereon, to be returned to office of clerk of court if prisoner committed by judicial process.	13. Payment of subsidy claims by state. Notice.
5. Cities to provide for treatment of contagious venereal disease.	14. Health Commissioner to have charge of the Boston Detention Hospital and of the patients therein.
6. Out-patient departments of certain hospitals not to discriminate against the treatment of venereal diseases.	15. Medical inspectors under Health Commissioner of Boston to attend cases in the jail, etc., upon request of the officer in charge of the institution and at the expense of the institution.
7. Records, etc., of venereal diseases not to be public. Penalty.	16. Burial of certain patients dying at hospitals connected with Boston Health Department, prescribed.
8. Certain records to be destroyed after five years.	17. Persons affected with gonorrhea, syphilis, or tuberculosis and who became inmates of hospitals or other places in Boston designated by the Health Commissioner for their isolation and care shall not leave such designated hospital or place without the written consent of the Health Commissioner, or of his authorized agent. Certain hospitals designated by the Health Commissioner as places for the isolation and care of persons affected with tuberculosis, gonorrhea or syphilis.
9. Inmates of certain institutions sick with certain diseases to be placed under medical treatment, and isolated if necessary.	
10. Certain cities to maintain tuberculosis	

I.

STATUTES.

(1)

Cities Shall Maintain Hospitals for Reception of Persons with Dangerous Diseases. Such Hospitals to be Subject to Regulations of Local Boards of Health. State Supervision.—Penalty.

G. L., Ch. 111. SECT. 92. Each city, except Brockton, shall, and each town may, and upon request of the (state) department (of public health) shall, estab-

lish and maintain constantly within its limits one or more hospitals for the reception of persons having smallpox, diphtheria, scarlet fever, tuberculosis or other diseases dangerous to the public health as defined by the department, unless there already exists therein a hospital satisfactory to the department for the reception of persons ill with such diseases, or unless some arrangement satisfactory to the department is made between neighboring municipalities for the care of such persons. All such hospitals established and maintained by cities and towns shall be subject to the orders and regulations of the boards of health thereof. Plans for construction of such hospitals shall be approved by the department before they are constructed, and the district health officers (of the state department of public health) shall annually make such examination of said hospitals, and of all other hospitals, sanatoria, asylums, homes, prisons and dispensaries, both public and private, caring for diseases dangerous to the public health, as in the opinion of the department (of public health) may be necessary and report as to their condition and needs to those responsible for their management. A city or town which, upon request of the department, refuses or neglects to establish and maintain such a hospital shall forfeit not more than five hundred dollars; provided, that if, in the opinion of the boards of health of two or more adjoining municipalities, such hospitals can advantageously be established, and maintained in common, the authorities of the said cities or towns may, subject to the approval of the department, enter any agreements deemed necessary to establish and maintain the same. Cities and towns having a population of less than fifty thousand inhabitants according to the last national census shall not be required by this section to make hospital provisions for tubercular patients.

1792, 58, s. 2.

R. S. 21, ss. 35, 36.

G. S. 26, ss. 40, 41.

P. S. 80, ss. 70, 71.

1901, 171.

R. L., 75, ss. 35, 40.

1906, 365, s. 1.

1911, 613.

1912, 151.

1914, 647.

1916, 286, s. 15.

1919, 350, s. 96.

1920, 108, s. 1.

186 Mass. 282.

187 Mass. 150.

(2)

All Persons Within Such Hospitals and Articles Therein to be Subject to the Regulations of the Board of Health.

G. L., Ch. 111. SECT. 93. Physicians, nurses, attendants, patients and all persons approaching or coming within the limits of such hospitals, and all furniture and other articles used or brought there, shall be subject to the regulations of the board of health.

1792, 58, s. 4.

R. S. 21, s. 39.

G. S. 26, s. 43.

P. S. 80, s. 74.

R. L., 75, s. 36.

1906, 365, s. 1.

For penalty see under sections 95 and 105, Gen. L., ch. 111, (1) and (5) of chapter 1 preceding.

(3)

Persons from Adjoining Towns may be Received for Treatment by Board of Health of Town Having Such Hospital.

G. L., Ch. 111. SECT. 94. The board of health of any town which has established or which may hereafter establish within its limits a hospital for the reception of persons having smallpox or any other disease dangerous to the public health may receive for care and treatment in such hospital persons from an adjoining town who are infected with any of said diseases.

1902, 206, s. 1.

1906, 365, s. 4.

187 Mass. 150.

(4)

Removal to Hospital of Certain Sick Prisoners. Copy of Order to be Returned to Court.

G. L., Ch. 111. SECT. 108. If a prisoner in a jail, house of correction or work-house has a disease which, in the opinion of the physician of the board of health or of such other physician as it may consult, is dangerous to the safety and health of other prisoners or of the inhabitants of the town, the board shall, in writing, direct his removal to a hospital or other place of safety, there to be provided for and securely kept until its further order. If he recovers from the disease, he shall be returned to his former place of confinement. If the person so removed has been committed by order of court or under judicial process, the order for his removal, or a copy thereof attested by the presiding member of the board, shall be returned by him, with the doings thereon, into the office of the clerk of the court from which the process of commitment was issued. No prisoner so removed shall thereby commit an escape.

1816, 44, s. 10.

G. S. 26, ss. 25, 26.

R. L., 75, s. 47.

R. S. 21, ss. 25, 26.

P. S. 80, ss. 49, 50.

(5)

Cities to Provide for Treatment of Contagious Venereal Disease.

G. L., Ch. 111. SECT. 117. Each city shall provide for treatment, either in a hospital or as out-patients, of indigent persons suffering from contagious or infectious venereal diseases.

1895, 400.

R. L., 75, s. 39.

1906, 365, s. 1.

(6)

Out-Patient Departments of Certain Hospitals not to Discriminate Against the Treatment of Venereal Diseases.

G. L., Ch. 111. SECT. 118. No discrimination shall be made against the treatment of venereal diseases in the out-patient department of any general hospital supported by taxation in any city where special hospitals, other than hospitals connected with penal institutions, are not provided for the treatment of such diseases at public expense; but any such hospital may establish a separate ward for their treatment.

1894, 511, s. 3.

R. L., 75, s. 41.

1906, 365, s. 1.

(7)

Records, etc., of Venereal Diseases not to be Public.—Penalty.

G. L., Ch. 111. SECT. 119. Hospital, dispensary, laboratory and morbidity reports and records pertaining to gonorrhœa or syphilis shall not be public records, and the contents thereof shall not be divulged by any person having charge of or access to the same, except upon proper judicial order or to a person whose official duties, in the opinion of the (state) commissioner (of public health), entitle him to receive information contained therein. Violations of this section shall for the first offense be punished by a fine of not more than fifty dollars, and for a subsequent offence by a fine of not more than one hundred dollars.

1905, 330, s. 3.

1918, 96, s. 1, 3.

1919, 350, s. 97.

(8)

Certain Records to be Destroyed after Five Years.

G. L., Ch. 111. SECT. 120. Laboratory, dispensary and morbidity reports and records of cases of gonorrhœa or syphilis, other than the permanent records of hospitals and institutions, shall be destroyed at the expiration of five years from the year when made.

1918, 96, s. 2.

(9)

Inmates of Certain Institutions Sick with Certain Diseases to be Placed Under Medical Treatment, and Isolated if Necessary.

G. L., Ch. 111. SECT. 121. An inmate of a public charitable institution or a prisoner in a penal institution who is afflicted with syphilis, gonorrhœa or pulmonary tuberculosis shall be forthwith placed under medical treatment, and if, in the opinion of the attending physician, it is necessary, he shall be isolated until danger of contagion has passed or the physician determines his isolation unnecessary. If at the expiration of his sentence he is afflicted with syphilis, gonorrhœa or pulmonary tuberculosis in its contagious or infectious symptoms, or if, in the opinion of the attending physician of the institution or of such physician as the authorities thereof may consult, his discharge would be dangerous to public health, he shall be placed under medical treatment and cared for as above provided in the institution where he has been confined until, in the opinion of the attending physician, the said symptoms have disappeared and his discharge will not endanger the public health. The expense of his support, not exceeding three dollars and fifty cents a week, shall be paid by the town where he has a settlement, after notice of the expiration of his sentence and of his condition to the overseers of the poor thereof, or, if he is a state pauper, to the department of public welfare.

1891, 420.

1919, 350, s. 87, 96.

Op. A. G. (1920), 239.

R. L., 75, s. 48.

1920, 306.

(10)

Certain Cities to Maintain Tuberculosis Dispensaries, Which Shall be Subject to Local Board of Health Regulations and Shall be Inspected by and Satisfactory to the State Department of Public Health. Penalty.

G. L., Ch. 111. SECT. 57. Every city, and every town having a population of ten thousand or more, as determined by the last national census, shall establish and maintain within its limits a dispensary for the discovery, treatment and supervision of needy persons resident within its limits and afflicted with tuberculosis, unless there already exists in such town a dispensary satisfactory to the department. Such dispensaries shall be subject to the regulations of the boards of health of the towns where they are respectively situated, and shall be inspected by and be satisfactory to the department. A town subject to this section which, upon the request of the department, refuses or neglects to comply with the provisions hereof shall forfeit not more than five hundred dollars.

1911, 576.

1914, 408.

(11)

Minimum Requirements for Tuberculosis Dispensaries as Defined by the State Department of Public Health.

MANUAL OF HEALTH LAWS, PP. 311, 312.

Control and Maintenance of Dispensary.

(1) The tuberculosis dispensary shall be under the direct control of and financed through the following (in order of preference): (a) The local board of health, (b) The local tuberculosis hospital, (c) The local general hospital's outpatient department, (d) The local anti-tuberculosis association.

Supervision.

(2) The state department of public health shall have supervision over all tuberculosis dispensaries, through its district health officers (see (1) preceding) who shall annually make such examination . . . of dispensaries, both public and private, caring for diseases dangerous to the public health, as in the opinion of the state department of public health may be necessary, and report as to the conditions and needs of such . . . dispensaries, to those responsible for the management of the said institutions.

Waiting and Examining Rooms Required.

(3) The dispensary shall have at least two outside rooms (a) Ante-room or waiting room. (This may be used in common with other dispensary departments.) (b) Examining room. (This room must be reasonably quiet.) The rooms of the dispensary shall be well lighted during the day without the aid of artificial light, shall be heated comfortably in cold weather, and shall be kept in a clean and sanitary condition at all times.

Equipment.

(4) Each dispensary shall be furnished with: (a) A pair of accurate scales, (b) A desk or filing cabinet for records, (c) Record blanks, (d) Examining stools and couch or table, (e) Clinical thermometers, (f) Running water and adequate toilet facilities, (g) Facilities for receiving and transmitting to a laboratory sputum specimens, and a supply of sputum containers for distribution, (h) Accessories such as paper napkins, sputum cups, etc. Leaflets of direction and advice. Diet lists, etc. All equipment shall be kept in a clean and sanitary condition at all times.

Service.

(5) All tuberculosis dispensaries shall be open for at least one hour on one day and on one evening per week. Days and hours shall be determined by the local authorities as seems best to fit local needs.

Staff.

(6) Each dispensary shall have appointed at least one physician and one nurse, or otherwise qualified tuberculosis worker, both of whom shall be in constant, regular attendance. The qualifications of physicians, nurses and tuberculosis workers so appointed must be approved by the state department of public health.

Appointment of Nurses.

(7) Minimum requirements for tuberculosis dispensary nurses, to become effective January 1, 1920, for new appointments: (a) Age: Applicants shall be

not less than twenty-five years of age, (b) Preliminary training: Applicant must be a high school graduate or have had an equivalent training. Applicant must be a registered nurse under the meaning of the present requirements of the state board of registration of nurses, or must have had an equivalent of training in tuberculosis work, *i. e.*, at least one year's work in a state-approved tuberculosis dispensary where the follow-up work and filing system are satisfactory to this department, (c) Preference shall be given to nurses having had actual training in tuberculosis work.

Location.

(8) The dispensary shall be reasonably accessible for the citizens who most need the services of a dispensary.

(12)

Cities Placing Tuberculosis Patients in Hospitals to Receive from State a Weekly Subsidy for Each Patient Showing Tubercle Bacilli in Sputum and in Certain Other Cases.

G. L., Ch. 111. SECT. 76. Every town placing its patients suffering from tuberculosis in a county, municipal or incorporated tuberculosis hospital in the commonwealth, or in a building or ward set apart for such patients by a county, municipal or incorporated hospital therein, shall be entitled to receive from the commonwealth a subsidy of five dollars a week for each patient who has a legal settlement therein, provided that such patient is unable to pay for his support, and that his kindred bound by law to maintain him are unable to pay for the same; but a town shall not become entitled to this subsidy unless, upon examination authorized by the department, the sputum of such patient be found to contain bacilli of tuberculosis, nor unless the hospital building or ward be approved by it, and it shall not give such approval unless it has by authority of law, or by permission of the hospital, full authority to inspect the same at all times. The department may at any time withdraw its approval. In the case of hospitals having a bed capacity which, in the opinion of the department, is in excess of the number of beds needed for the localities which these institutions serve for patients exhibiting tubercle bacilli in their sputum, the subsidy above provided shall be allowed for such patients not exhibiting tubercle bacilli in their sputum as, in the joint opinion of the superintendent of the institution and of the district health officer of the district where the hospital is situated, are *bona fide* cases of tuberculosis and have been in the institution more than thirty days.

1911, 597, s. 1.

1916, 57, 197.

1919, 350, s. 96.

1912, 637, s. 1.

1917, 290.

1920, 238, s. 1.

(13)

Payment of Subsidy Claims by State. Notice.

G. L., Ch. 111. SECT. 77 The (state) department (of public health) shall certify, in the case of each hospital, building or ward approved by it, as provided in the preceding section, the number of patients for whom the town is entitled to the subsidy, and upon such certification the subsidy shall be paid by the commonwealth. No claim shall be allowed for a subsidy covering more than ten days prior to the date when notice of the claim is received by the department.

1911, 597, s. 2.

1912, 637, s. 2.

1919, 350, s. 96.

1920, 238, s. 2, 3.

II.

ORDINANCES.

(14)

Boston Detention Hospital to be Under Charge of the Health Commissioner.

R. O. 1914, Ch. 17. SECT. 1. (As affected by Ord. 1914, second series, ch. 1, sect. 1), Clause 3. The health department shall be under the charge of a health commissioner, who shall . . . have charge of the hospital for persons having infectious diseases, established by the city on Southampton street, and of the patients in said hospital.

NOTE.—The Health Department may also send patients suffering with infectious disease to the quarantine hospital maintained by the United States Public Health Service on Gallop's Island, under an agreement with the Government. See (7) of chapter 7 following.

(15)

Medical Inspectors Under Health Commissioner to Attend Cases in the Jail, Etc., When Requested.

R. O. 1914, Ch. 17. SECT. 2. Clause 2. The health commissioner shall appoint one or more medical inspectors and require them to attend upon all cases requiring medical or surgical services in the jail, the city prison in the court-house, and the city temporary home, when requested by the officer in charge of, and at the expense of the institution or department in which the cases are; . . .

REGULATIONS.

(16)

Burial of Certain Patients Dying at the Boston Detention Hospital, Prescribed.

October 12, 1901. It was voted, That on and after this date all persons who have died of smallpox in any hospitals connected with this department be buried in metallic coffins in grounds set apart for that purpose, the expense thereof to be borne by this department.

(17)

Certain Inmates not to Leave Isolation Hospitals Without Written Consent of Health Commissioner or Agent.

Reg. March 28, 1911. Whoever is affected with tuberculosis, gonorrhea or syphilis, in the City of Boston, and becomes an inmate of a hospital or other place which has been, or may hereafter be

designated by the Board of Health as a place for the isolation and care of persons affected with any of said diseases, shall not leave such hospital or place without the written consent of the Board of Health, or its authorized agent.

Hospitals Designated.

March 29, 1911. In accordance with the provisions of the regulation adopted on the twenty-eighth instant for the isolation of tuberculosis, gonorrhea or syphilis, Voted, That the following be and are designated as places for the isolation and care of said diseases, viz.: The Boston Infirmity, Long Island, and the Boston Consumptives Hospital, River street, Mattapan.

For penalty see Gen. L., ch. 111, s. 105 (chapter 1 preceding).

References.

Sects. (1) and (12.) Patients shall be admitted to the tuberculosis hospitals provided by certain counties (not including Suffolk County) for towns having less than 50,000 population within their respective counties, through application by the boards of health of the towns served by the hospitals. G. L., ch. 111, s. 88.

Sects. (4) and (9.) A prisoner in a penal institution or an inmate in a public charitable institution, afflicted with syphilis, gonorrhœa, or pulmonary tuberculosis, shall be placed under medical treatment and if necessary, isolated. G. L., ch. 111, s. 121.

The warden of the state prison . . . , the superintendents of the . . . reformatory for women . . . and the state farm, and the keepers and masters of jails and houses of correction shall cause a physical examination of inmates committed for thirty days or more, special attention to be given to determining the presence of communicable disease, particularly gonorrhœa, syphilis and pulmonary tuberculosis. The State Department of Public Health shall specify the manner of such examinations. Gen. L., ch. 127, ss. 16, 17, 18.

CHAPTER 6.—INFECTED ARTICLES AND PERSONS. PRECAUTIONS AGAINST THE SPREAD OF CON- TAGION BY.

Sect.	Sect.
1. Boards of health authorized to grant permits for the removal of infected articles, etc.	state travel must first obtain permit from local health officer. Certain persons wishing to change their residence from one state to another, must first obtain release in writing from local health officer. Local health officer to notify health officer of place of intended residence. Certain persons shall agree to continue medical treatment until released. Certificate of non-infection.
2. Courts, upon application of boards of health, may by warrant, require sheriffs to secure articles, etc., infected with a dangerous disease, and to guard same, pending inquiry.	13. No person shall remove a dead human body from a town or from one cemetery to another without a permit from the board of health.
3. Courts may, by same warrant, require the officers, under direction of the board of health to impress houses, etc., for keeping such articles and board authorized to detain them there until disinfected.	14. Transportation of infected dead bodies. Rules of the Massachusetts State Board of Registration in Embalming. Persons authorized to accompany remains. Necessary certificates. Body not to be accompanied by infected articles. Dis-interred bodies to be treated as infected and transportation forbidden until approved by board of health.
4. Officers may command aid. Penalty for refusal to assist.	15. Regulations of Police Commissioner of City of Boston relating to the conveyance of persons infected with contagious disease. Hackney carriages defined. Conveyance of infected persons or bodies forbidden.
5. Payment of expenses to be made by owner or town, as board may determine.	16. Infectious diseases in workshops. Local boards of health to make examinations, upon notice, and issue such orders as protection of the public health requires.
6. Town to pay just compensation for houses, etc., so impressed.	17. Quarantine regulations. Infected cargoes to be disinfected. Certain articles to be burned in furnaces of steamers.
7. Disinfection of rooms exposed to infection required of owner. Penalty. Board may so disinfect.	18. Isolating rooms used for dangerous diseases shall be satisfactorily disinfected for certificate by Health Commissioner.
8. Guard on state border may restrain certain infected persons from outside of state until licensed by the board of health of the town to which they may come. Penalty for traveling without such a license after being cautioned to depart.	19. Rags not to be stored in any building used for a dwelling.
9. Boards of health authorized to make regulations relative to articles capable of conveying infection brought into or conveyed from the town.	20. Day nurseries, isolating rooms, cleaning, airing, etc., after occupation by child with communicable disease.
10. Boards of health authorized to cause any vessel and its cargo to be removed to the quarantine ground and purified.	
11. Inspection and disinfection of lodging and tenement houses in Boston, by Health Commissioner, at expense of owner, upon notice from owner, etc., that any person in such house is sick of fever, etc.	
12. Interstate quarantine regulations. Certain persons wishing to engage in inter-	

I.

STATUTES.

(1)

Boards of Health Authorized to Grant Permits for the Removal of Nuisances, Infected Articles or Sick Persons.

G. L., Ch. 111. SECT. 98. Boards of health may grant permits for the removal of any nuisance, infected articles or sick person within the limits of their towns.

1816, 44, s. 12.
R. S. 21, s. 15.

G. S. 26, s. 15.
P. S. 80, s. 39.

R. L. 75, s. 86.

(2)

Courts upon Application of Boards of Health May by Warrant Require Sheriffs to Secure Baggage, etc., Infected with a Dangerous Disease and to Guard Same Pending Inquiry.

G. L., Ch. 111. SECT. 99. If upon application of the board it appears to a magistrate authorized to issue warrants that there is just cause to suspect that baggage, clothing and goods found within the town are infected with any disease dangerous to the public health, he shall, by warrant directed to the sheriff or his deputy or to any constable, require him to impress as many men as said magistrate may judge necessary to secure such baggage, clothing or goods, and to post said men as a guard over the house or place containing such articles to prevent persons from removing or coming near the same until due inquiry is made into the circumstances.

1751-2, 12, s. 1.

G. S. 26, s. 20.

R. L. 75, s. 87.

1797, 16, s. 5.

1877, 211, s. 1.

R. S. 21, s. 20.

P. S. 80, s. 44.

(3)

Courts May by Same Warrant Require the Officers under Direction of the Board of Health to Impress Houses, etc., for Keeping such Articles; and Board Authorized to Detain Them there until Disinfected.

G. L., Ch. 111. SECT. 100. The magistrate may, by the same warrant, require the officers, under the direction of the board, to impress and take up convenient houses or stores for the safe keeping of such articles; and the board may remove them thereto or otherwise detain them until, in its opinion, they are free from infection.

1751-2, 12, s. 3.

G. S. 26, s. 21.

R. L. 75, s. 88.

1797, 16, s. 5.

1877, 211, s. 1.

R. S. 21, s. 21.

P. S. 80, s. 45.

(4)

Officers may Command Aid. Penalty for Refusal to Assist.

G. L., Ch. 111. SECT. 101. The officers, in executing the warrant, may command aid and may break open any house, shop or other place mentioned in the warrant. Whoever, being commanded by said officers to assist in the execution of the warrant, neglects or refuses to do so shall forfeit not more than ten dollars.

1751-2, 12, s. 1, 2.

R. S. 21, s. 22.

P. S. 80, s. 46.

1797, 16, s. 5.

G. S. 26, s. 22.

R. L. 75, s. 89.

(5)

Payment of Expenses to be Made by Owner or Town as Board may Determine.

G. L., Ch. 111. SECT. 102. The expense of securing, transporting and purifying such articles as fixed by the board shall be paid by the owners or by the town, as the board may determine. For any article of furniture or wearing apparel ordered destroyed by the board the town may recompense the owner to an amount not exceeding fifty dollars.

1751-2, 12, s. 2.

G. S. 26, s. 23.

1903, 306.

1797, 16, s. 5.

P. S. 80, s. 47.

R. S. 21, s. 23.

R. L. 75, s. 90.

(6)

Town to Pay Just Compensation for Houses, etc., so Impressed.

G. L. Ch. 111. SECT. 103. If a sheriff or other officer impresses or takes up any houses, stores, lodging or other necessities, or impresses men, the town where such persons or property are so impressed shall pay a just compensation to the persons entitled thereto. Compensation for taking or impressing property may be recovered under chapter seventy-nine.

R. S. 21, s. 24.

P. S. 80, s. 48.

R. L. 75, s. 58.

G. S. 26, s. 24.

(7)

Disinfection of Rooms Exposed to Infection Required of Owner. Penalty Board May so Disinfect.

G. L., Ch. 111. SECT. 109. A householder who knows that a person in his family or house is sick of smallpox, diphtheria, scarlet fever or any other infectious or contagious disease declared by the (state) department (of public health) dangerous to the public health shall forthwith give notice thereof to the board of health of the town where he dwells. Upon the death, recovery or removal of such person, the householder shall disinfect to the satisfaction of the board such rooms of his house and articles therein as, in the opinion of the board, have been exposed to infection or contagion. But the board may, in its discretion, disinfect or fumigate all such premises as, in its opinion, have been exposed to any infectious or contagious disease, at the expense of the town, and may employ any proper and competent person to so disinfect or fumigate. Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars.

1742-3, 17, ss. 5, 6.

1884, 98, s. 1.

1910, 269.

1792, 58, s. 7.

1890, 102.

1914, 177.

R. S. 21, s. 43.

R. L. 75, s. 49.

1919, 350, s. 96.

G. S. 26, s. 47.

1905, 251, s. 1.

P. S. 80, s. 78.

1907, 480.

(8)

Guard on State Border may Restrain Certain Infected Persons from Outside of State until Licensed by the Board of Health of the Town to Which They May Come. Penalty for Traveling Without Such a License after Being Cautioned to Depart.

G. L., Ch. 111. SECT. 106. The board of health of a town near to or bordering upon an adjoining state may in writing appoint suitable persons, who shall attend at places by which travelers may pass from infected places without the commonwealth, and who may examine such travelers as the board suspects of bringing any infection dangerous to the public health, and, if necessary, restrain them from traveling until licensed thereto by the board of health of the town to which they may come. A traveler coming from an infected place who, without such license, travels within the commonwealth, unless to return by the most direct way to the state whence he came, after he has been cautioned to depart by the persons so appointed, shall forfeit not more than one hundred dollars.

1739-40, 1, s. 3.

R. S. 21, s. 18.

R. L. 75, s. 45.

1742, 3, 17, s. 3.

G. S. 26, s. 18.

1797, 16, s. 3.

P. S. 80, s. 42.

(9)

Boards of Health Authorized to Make Regulations Relative to Articles Capable of Conveying Infection Brought into or Conveyed from the Town.

G. L., Ch. 111. SECT. 122. The board of health shall examine into all nuisances, sources of filth and causes of sickness within its town, or on board of vessels within the harbor of such town, which may, in its opinion, be injurious to the public health, shall destroy, remove or prevent the same as the case may require, and shall make regulations for the public health and safety relative thereto and to articles capable of containing or conveying infection or contagion or of creating sickness brought into or conveyed from the town or into or from any vessel. Whoever violates any such regulation shall forfeit not more than one hundred dollars.

1797, 16, ss. 3, 5, 11.

G. S. 26, ss. 5, 7.

R. L. 75, s. 65.

R. S. 21, ss. 5, 6, 9.

P. S. 80, ss. 18, 20.

(10)

Boards of Health Authorized to Cause any Vessel and its Cargo to be Removed to the Quarantine Ground and Purified.

G. L., Ch. 111. SECT. 178. Such board may at any time cause a vessel arriving in port, if such vessel or its cargo is, in its opinion, foul or so infected as to endanger public health, to be removed to the quarantine ground and thoroughly purified at the expense of the owners, consignees or persons in possession thereof; and may cause all persons arriving in or for any purpose visiting such vessel, or handling the cargo, to be removed to any hospital under the care of the board, there to remain under its orders.

1816, 44, s. 6.

G. S. 26, s. 37.

R. L. 75, s. 133.

R. S. 21, s. 32.

P. S. 80, s. 67.

(11)

Inspection and Disinfection of Lodging and Tenement Houses in Boston, by Health Commissioner, at Expense of Owner, Upon Notice from Owner, etc., that any Person in such House is Sick of Fever, etc.

Acts 1885, Ch. 382. SECT. 15. The owner, agent of the owner and keeper of any lodging or tenement house, or part thereof, shall, when any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, agent or keeper, give immediate notice thereof to the board of health, and thereupon said board shall cause the same to be inspected and cleansed or disinfected, at the expense of the owner in such manner as they may deem necessary; and may also cause the blankets, bedding and bedclothes used by any such sick person to be thoroughly cleansed, seoured and fumigated, and, in extreme cases, to be destroyed.

For penalty see Acts 1885, ch. 382, s. 21 (Part IV, chapter 2, following).

(12)

INTERSTATE QUARANTINE REGULATIONS.**Certain Persons Wishing to Engage in Interstate Travel Must First Obtain Permit from Local Health Officer.**

Amendment No. 7 (Nov. 19, 1918) to the Interstate Quarantine Regulations of the U. S. Public Health Service of January 15, 1916, 28-A. . . . 1.

(1) Any person, infected with syphilis, gonorrhea, or chancre, who wishes to engage in interstate travel, must first obtain a permit, in writing, from the local health officer under whose jurisdiction he resides. This permit shall state that, in the opinion of the health officer, such travel is not dangerous to the public health.

Certain Persons Wishing to Change Their Residence from One State to Another Must First Obtain Release in Writing from Local Health Officer. Local Health Officer to Notify Health Officer of Place of Intended Residence.

(2) Any person, infected with syphilis, gonorrhea, or chancre, who wishes to change his residence from one state to another must first obtain his release, in writing, from the local health officer. He shall inform the local health officer as to the place where he intends to reside and shall agree, in writing, to report in person to the proper health officer within one week after arrival at his new residence.

It shall be the duty of the health officer who issues the release to promptly notify the health officer under whose jurisdiction the infected person is to enter, of its issue. This release shall contain the name and address of the infected person.

The receiving health officer shall, in turn, report the arrival of the infected person to the health officer who issued his release and notify the state health officer of his state that a person infected with venereal disease has entered his jurisdiction.

Certain Persons Shall Agree to Continue Medical Treatment until Released. Certificate of Noninfection.

(3) Any person, infected with syphilis, gonorrhea, or chancre, who wishes to engage in interstate travel or change his residence shall agree to continue treatment, under the direction of a reputable physician, until the health officer shall have certified that he is no longer infectious. A certificate of noninfection shall not be issued until the health officer, or his accredited representative, shall have complied with the state board of health requirements for release of venereally infected persons.

(13)

No Person Shall Remove a Dead Human Body from a Town or from One Cemetery to Another Without a Permit from the Board of Health.

G. L., 114. SECT. 45. (As amended 1922, 176, Sect. 1.) Par. 1. Except as provided in sections forty-four and forty-six, no undertaker or other person shall bury or otherwise dispose of a human body in a town, or remove therefrom a human body which has not been buried, until he has received a permit from the board of health or its agent appointed to issue such permits, or if there is no such board, from the clerk of the town where the person died; and no undertaker or other person shall exhume a human body and remove it from a town, or from one cemetery to another, until he has received a permit from the board of health or its agent aforesaid or from the clerk of the town where the body is buried.

For Penalty see Gen L., ch. 114, s. 50.

(14)

Transportation of Infected Dead Bodies. Rules of the Massachusetts State Board of Registration in Embalming.

Body not to be Accompanied by Infected Articles.

Rule 5. In cases of contagious, infectious or communicable diseases the body must not be accompanied by persons or articles which have been exposed to

the infection of the disease, unless certified by the health officers as having been properly disinfected; and before selling passage tickets, agents shall carefully examine the transit permit, and note the name of the passenger in charge and of any other proposing to accompany the body, and see that all necessary precautions have been taken to prevent the spread of the disease. The transit permit shall specifically state who is authorized to accompany the remains.

Persons Authorized to Accompany Remains. Necessary Certificates.

Rule 6. Every dead body must be accompanied by a person in charge, who must be provided with a passage ticket, also Red Check Ticket, first section to be retained by railroad agent issuing same, second section to be given to person accompanying body, and third section (with cord) to be attached to box containing corpse; also a transit permit with undertaker's certificate, name of deceased, date of death, age, place of death, cause of death, the point to which the body is to be shipped, and the name of the person or persons authorized to accompany the body. The undertaker's certificate and paster shall be detached from the transit permit and pasted on the coffin box. The transit permit shall be handed to the passenger in charge of the corpse. The first coupon shall be detached by the official in charge of the baggage department of the initial line.

Disinterred Bodies to be Treated as Infected and Transportation Forbidden Until Approved by Board of Health.

(7) Every disinterred body, dead from any disease or cause, shall be treated as infectious or dangerous to the public health, and shall not be accepted for transportation unless said removal has been approved by the board of health; and all such disinterred remains shall be enclosed in a hermetically sealed (soldered) (if out of state) zinc, tin or copper-lined coffin or box. Bodies deposited in receiving vaults will be treated and considered the same as buried bodies, unless to be interred in same cemetery.

(15)

Regulations of the Police Commissioner of the City of Boston Relating to the Conveyance of Persons Infected with Contagious Disease.

Hackney Carriages Defined. License. Penalty.

Rule 58, Par. 1. Every vehicle used for the conveyance of persons for hire from place to place within the city of Boston, shall be deemed to be a hackney carriage within the meaning of this rule except a street railway car or a trackless trolley vehicle within the meaning of General Laws, chapter 163, section 2, or a motor vehicle, commonly known as a jitney, operated in a manner and for the purposes stated in General Laws, chapter 159, section 45, or a sight-seeing automobile, as defined in statutes of 1913, chapter 592, section 1. No person shall drive or have charge of a hackney carriage, nor shall any person or corporation set up and use a hackney carriage unless licensed thereto by the Police Commissioner. No owner or person having the care or ordering of a hackney carriage shall suffer or allow any person other than a driver licensed by the Police Commissioner to drive such carriage. Any person or corporation violating any of the provisions of this rule shall forfeit and pay a fine not exceeding twenty dollars for each offence; and any licensed owner or driver who violates any of the provisions of this rule shall, in addition to said penalty, thereupon become liable to forfeit his license and be disqualified to hold a license thereafter.

Conveyance of Infected Persons or Bodies Forbidden.

Par. 15. No person having charge of any hackney carriage shall receive or permit to be placed therein, nor convey in or upon the same, any person sick or infected * with any contagious disease, or the body of any person deceased from such disease.

(16)

Infectious Diseases in Workshops. Local Boards of Health to Make Examinations, upon Notice, and Issue Such Orders as Protection of the Public Health Requires.

G. L., Ch. 149. SECT. 144. If an inspector of the state department of labor and industries finds evidence of infectious or contagious disease or of vermin present in a workshop, or in a room or apartment in a tenement or dwelling house where wearing apparel is made, altered or repaired, or in goods manufactured or in process of manufacture therein, he shall report the same to the department (of Labor and Industries) which shall notify the local board of health to examine said workshop, room or apartment and the materials used therein; and if the board of health finds that said workshop, tenement or dwelling house is in an unhealthy condition, and that the clothing and materials used therein are unfit for use, it shall issue such orders as public safety may require.

1891, 357, s. 2.

1898, 150, s. 2.

1909, 514, s. 107, 145.

1893, 246, s. 2.

R. L. 106, s. 57.

1912, 726, s. 5.

1894, 508, s. 45.

1907, 537, s. 5.

1919, 350, s. 69.

II.

REGULATIONS.

(17)

Quarantine.

Reg. March 4, 1893 (as amended May 25, 1909).

Infected Cargoes to be Disinfected.

Par. 2. Infected persons found on such vessels shall be removed to the hospital on Gallop's Island, and there detained until all power to infect others shall have ceased. Cargoes and personal baggage, which in the opinion of the port physician or the board of health may be infected, shall be removed to Gallop's Island and there disinfected, when such disinfection cannot be properly done on board the vessels or on lighters.

Certain Articles to be Burned in Furnaces of Steamers.

Par. 5. No article of clothing or bedding in use shall be thrown overboard from any vessel in Boston harbor without the written consent of the Board of Health or the Quarantine Physician; nor

* Upon ascertaining that any passenger is so infected, the driver is required to bring his carriage to the disinfection station of the Health Department on North Grove street and obtain a certificate of disinfection which is then kept on file in the office of the carriage inspector at Police Headquarters, Pemberton square.

shall any such article be removed from any vessel at her dock without such permission; all such articles which are to be destroyed shall be burned in the harbor under the supervision of the Quarantine Physician, in the furnaces of the steamers.

(18)

Rooms Used for Dangerous Diseases to be Disinfected.

Reg. July 1, 1895, as finally amended June 3, 1912, Sect. 3. No person other than the attending physician, nurse or agents of the Board of Health shall enter, nor shall any dog, cat or other animal be allowed to enter any apartment or other place set apart for the treatment of smallpox, scarlet fever, diphtheria, measles, typhoid fever, varicella, cerebro-spinal meningitis, anterior poliomyelitis or any other disease dangerous to the public health, until the Board of Health shall certify in writing that such apartment or place has been satisfactorily disinfected.

(19)

Rags not to be Stored in any Building Used for a Dwelling.

Reg. January 21, 1901. Whereas, It is a practice in this city to collect rags, old paper, junk, and other refuse material, from dumping grounds, streets, and other places, and to store, sort, and otherwise handle the same within dwellings; and

Whereas, In the opinion of this board, such rags, old paper, junk and other refuse material are a source of filth, and capable of conveying infectious diseases from person to person, and of otherwise creating sickness; therefore

Ordered, That on and after this date, no rags, old paper, junk, or other refuse material, gathered or recovered from any source, shall be brought into or allowed to remain within any building used as a dwelling.

(20)

Day Nurseries, Isolating Rooms, to be Cleaned and Aired.

Reg. Feb. 16, 1920. SECT. 11, Clause 4. After an isolating room has been occupied by a child suffering from a communicable disease, including parasitic diseases, or from an illness suspected of being communicable, every article which has come directly into contact with the isolated child, whether before or after admission to the isolating room, shall be immediately washed, the room shall be thoroughly cleaned, the windows of the room shall be left open until the room is thoroughly aired, and such other measures shall

be taken with respect to the room and its contents as, under the special circumstances of the case, appear necessary or advisable to prevent the spread of the disease or suspected disease.

For penalty see Gen. L., ch. 111, s. 62, (5), of chapter 3, preceding).

References.

Sect. (1.) No vessel shall leave quarantine, nor shall her cargo be discharged nor any person be allowed to go on board or to leave her while in quarantine, without the written permit of the port physician. Reg. March 4, 1893, section 6 (see (8) of chapter 7 following).

No person affected with a dangerous disease shall leave the place or room designated for his isolation by the Health Commissioner, and no article shall be removed from such room until the Health Commissioner shall certify in writing that all danger of communicating such disease to others is passed. Reg. March 10, 1897 as finally amended June 3, 1912 (see (8) of chapter 1 preceding).

Inmates of the Boston Infirmary or of the Boston Consumptives' Hospital who are affected with tuberculosis, gonorrhea or syphilis shall not leave such hospital without the written consent of the Health Commissioner or his agent. Reg. March 28, 1911 (see (17) of chapter 5 preceding).

Sect. (7.) During the smallpox epidemic of 1872-73, a regulation of the course to be taken by the public to diminish the spread of smallpox was adopted by the Boston Board of Health and printed for general distribution. So much of this regulation as relates to disinfection, applicable with equal force today, reads as follows: "Keep the room well aired, remove all carpets and woolen goods and all unnecessary furniture, change the clothing of the patient as often as needful, but do not carry it while dry through the house, but first place it at the bedside in a bucket of scalding water, adding two ounces of solution of carbolic acid, before removal from the room. All infected clothing, bedding and other articles used by the patient which can, without injury, should be washed in boiling water. All infected clothing, etc., which cannot be wet without injury, must be disinfected by baking or fumigation. The latter may be accomplished as follows: Separate the clothing and hang it about the walls of the room and upon the furniture; shut the door closely; put two pounds of sulphur in an iron dish, ignite and leave it in the closed room two hours. No persons can remain in the room while this process is going on. The room should then be well aired."

CHAPTER 7.—QUARANTINE.

Sect.

1. A town may establish a quarantine ground in a suitable place within its limits, etc.
2. The board of health in a seaport may from time to time establish the quarantine to be performed by vessels arriving within its harbor, and may make quarantine regulations which shall apply to all persons and goods arriving in such vessels and to all persons who for any reason may visit the same. Penalty for violation of any such regulation.
3. Board may cause any vessel which in its opinion, is foul or infected, to be removed to the quarantine ground and purified at the expense of owners, and may cause all persons in such vessel to be removed to any hospital under care of the board, and there to remain under its orders.
4. Whoever arrives in a vessel from a port where an infectious distemper prevails which may endanger public health, shall answer all questions relating to such distemper asked by the board of health. Penalty.
5. Expenses incurred on account of any person, vessel or goods under quarantine regulations shall be paid by the owner of such vessel.
6. City charter. All powers and duties relative to the quarantine of vessels vested in the City Council.
7. Powers and duties of Board of Health of Boston relative to the maintenance of

Sect.

- the quarantine service for the port of Boston, abolished.
8. Regulations of the Board of Health of Boston relative to quarantine:
 1. Vessels arriving in port with any sickness of an infectious nature dangerous to the public health on board, or from any port which has been epidemically infected with such disease, etc., shall be anchored at quarantine.
 2. Infected persons shall be removed to hospital on Gallop's Island, and cargoes, etc., disinfected.
 3. Immigrants shall be examined as to infectious disease and protection from smallpox, and those not protected shall be vaccinated or subjected to a quarantine of fifteen days' observation.
 4. Old rags, hair, etc., to be accompanied by certificate as to their place of collection and packing for shipment.
 5. Throwing overboard of clothing and bedding prohibited.
 6. Vessels shall not leave quarantine nor shall her cargo be discharged, nor any person be allowed to go on board or leave her while in quarantine without the written permit of the port physician.
 7. From June to October inclusive, all vessels arriving from certain ports shall stop at the Quarantine Station.

I.

STATUTES.

(1)

Towns May Establish Quarantine Grounds.

G. L., Ch. 111. SECT. 176. A town may establish a quarantine ground in a suitable place within its limits, or, with the previous consent of another town within the limits thereof. Two or more towns may in like manner join in establishing such quarantine ground for their common use.

R. S. 21, s. 27, 28.

P. S. 80, s. 62, 63.

R. L. 75, s. 131.

G. S. 26, s. 32, 33.

(2)

Boards of Health in Seaports Authorized to Establish the Quarantine to be Performed by Vessels and to Make Regulations Applying to Persons and Goods Thereon. Penalty for Violation of Any Such Regulation.

G. L., Ch. 111. SECT. 177. The board of health in a seaport may from time to time establish the quarantine to be performed by vessels arriving within

its harbor, and may make quarantine regulations for the health and safety of the inhabitants, which shall apply to all persons, goods and effects arriving in such vessels and to all persons who for any purpose may visit the same. Whoever violates any such regulation shall forfeit not less than five nor more than five hundred dollars.

1816, 44, s. 6.

G. S. 26, s. 34-36.

R. L. 75, s. 132.

R. S. 21, s. 29-31.

P. S. 80, s. 64-66.

NOTE.—Although a board of health may make quarantine regulations of a vessel, it is not therefore authorized to take possession of, control or appropriate the same or any part thereof to the use of a hospital. *Spring v. Hyde Park*, 137, Mass. 558. In this case the court said: "It was so held, under a statute similar to our own, in a case much discussed in Maine," viz., *Mitchell v. City of Rockland*, 41 Maine Reports, 369. In this latter case, the court said, "The general definition of the word 'quarantine,' in law, is the term of forty days during which persons coming from foreign ports, with the plague, are not permitted to land or come on shore The word has been enlarged and modified in its significance by statutes. The restriction against the coming on shore of persons on board of vessels arriving in port, is applied to vessels having on board other contagious sickness than that of the plague. But no authority has been found which allows health officers, by virtue of their power, to cause quarantine to be performed *ex vi termini*, to take the vessel in which such contagious disease is found, into their own possession and control, to the exclusion of the owner, or those whom he has put in charge."

(3)

Quarantine of Suspected Vessels.

G. L., Ch. 111. SECT. 178. Such board may at any time cause a vessel arriving in port, if such vessel or its cargo is, in its opinion, foul or so infected as to endanger public health, to be removed to the quarantine ground and thoroughly purified at the expense of the owners, consignees or persons in possession thereof; and may cause all persons arriving in or for any purpose visiting such vessel, or handling the cargo, to be removed to any hospital under the care of the board, there to remain under its orders.

1816, 44, s. 6.

G. S. 26, s. 37.

R. L. 75, s. 133.

R. S. 21, s. 32.

P. S. 80, s. 67.

(4)

Penalty for Refusing to Answer Questions of Board Relating to Infectious Diseases in Foreign Ports.

G. L., Ch. 111. SECT. 179. Whoever belongs to or arrives in a vessel on board of which any infection then is or has lately been, or is suspected to have been, or which has been at or has come from a port where an infectious distemper prevails which may endanger public health, and refuses to answer an oath, to be administered by any member of the board, questions relating to such infection or distemper asked by the board of health of the town to which such vessel may come, shall forfeit not more than two hundred dollars.

1797, 16, s. 9.

G. S. 26, s. 38.

R. L. 75, s. 134.

R. S. 21, s. 33.

P. S. 80, s. 68.

(5)

Payment of Expenses.

G. L., Ch. 111. SECT. 180. Expenses incurred on account of any person vessel or goods under quarantine regulations shall be paid by the owner of such vessel.

1816, 44, s. 6.

P. S. 80, s. 69.

120 Mass. 96.

R. S. 21, s. 34.

1893, 79.

144 Mass. 523.

G. S. 26, s. 39.

R. L. 75, s. 135.

(6)

City Charter. All Powers and Duties Relative to the Quarantine of Vessels Vested in the City Council.

Acts 1854, Ch. 448. SECT. 40. All the power and authority now by law vested in the city council, or in the board of mayor and aldermen, relative to the public health, and the quarantine * of vessels, shall continue to be vested in the city council, to be carried into execution by the appointment of one or more health commissioners, or in such other manner as the health, cleanliness, comfort, and order of the city may, in their judgment, require, subject to such alterations as the legislature may from time to time adopt. The powers and duties above named may be exercised and carried into effect by the city council in any manner which they may prescribe, or through the agency of any persons to whom they may delegate the same, notwithstanding a personal exercise of the same, collectively or individually, is prescribed by previous legislation; and the city council may constitute either branch, or any committee of their number, whether joint or separate, the board of health, for all or for particular purposes.

II.

ORDINANCES.

(7)

Powers and Duties of Board of Health Relative to the Maintenance of the Quarantine Service Abolished.

Ordinances of 1915. Chap. 1. All the powers and duties of the board of health relative to the maintenance of the quarantine service for the port of Boston shall be abolished upon the date of the execution of a lease by the city of Boston to the United States of America of all property used in the said service.†

* Since May 24, 1915, the date of the execution of the lease of the City of Boston to the United States of America of all property used in the quarantine service for the port of Boston (see (7) following), the powers and duties relative to the quarantine of vessels vested by the above section in the City Council are exercised and carried into effect by the Treasury Department (public health and marine hospital service) of the United States.

† Lease approved by the City Council May 24, 1915, to take effect June 1, 1915. November 13, 1916 the City Council passed an order authorizing the conveyance to the United States of America by warranty deed of Gallop's Island, together with the buildings thereon and all the property used in connection with the quarantine service. Previous to the passage of this order, the Council received a letter from the Treasury Department of the United States under date of October 12, 1916 wherein the Treasury Department agreed to receive from the City of Boston persons sick of the various infectious diseases that require isolation, and to provide for the care and treatment of such persons at the quarantine station on Gallop's Island, the City of Boston to reimburse the United States Government therefor at the rate of one dollar per diem for each person so cared for; stipulating that the City of Boston will furnish nurses for women or children received at Gallop's Island and will also provide additional nurses, if the number of patients received from the city should at any time be greater than can be properly attended to by the nursing force ordinarily employed at the quarantine station, the reimbursement to the government for the subsistence of accompanying nurses being at the same rate as for patients; and adding that the contagious diseases contemplated in this agreement included any of the epidemic and quarantinable maladies, but especially referred to smallpox.

NOTE.—The powers and duties of the Board of Health conferred by the City Council under the authority derived from the City Charter (see (6) preceding), and which are taken away by the above City Ordinance are as follows:

R. O., 1914, Ch. 17. SECT. 1. The health department shall be under the charge of a board of three commissioners, who . . . shall have charge of all matters relating to quarantine, and to the quarantine grounds, consisting of Gallop's Island and that portion of the harbor between Long, Deer and Spectacle Islands, known as the President Roads . . .

SECT. 2. The Board . . . shall appoint a port physician and assistant port physician, and require them to reside at Deer Island, and if the board and the penal institutions commissioner so agree, require them to serve as assistant physicians for all the institutions on Deer Island. . . .

III.

REGULATIONS.

(8)

Quarantine.

March 4, 1893, as amended May 25, 1909, Ordered, That the several quarantine regulations now in force at this port, be revised so as to read as follows:

Vessels with Contagious Disease on Board or Which Have Come from Certain Ports, etc., Shall be Anchored at Quarantine.

1. Any vessel arriving at this port which has on board at the time of her arrival, or has had, during her passage to this port, any sickness of a contagious, infectious, or doubtful character, which may be dangerous to the public health, or which has come from or has been in any port or place which has been epidemically infected with any contagious or infectious disease within the six months next preceding such arrival, or has on board any merchandise which has come by transshipment from any such infected port or place within the six months next preceding, or has on board any immigrants (except from British America), shall be anchored at quarantine.

Infected Persons and Articles to be Removed to Hospital on Gallop's Island.

2. Infected persons found on such vessels shall be removed to the hospital on Gallop's Island, and there detained until all power to infect others shall have ceased. Cargoes and personal baggage, which in the opinion of the port physician or the Board of Health may be infected, shall be removed to Gallop's Island and there disinfected, when such disinfection cannot be properly done on board the vessels or on lighters.

Examination and Vaccination of Immigrants.

3. All immigrants on arrival at quarantine shall be subjected to examination as regards their freedom from contagious or infectious disease and their protection from smallpox.

All persons under ten years of age who have not been successfully vaccinated, and all persons over ten years of age who have not recently been successfully vaccinated or revaccinated, shall be considered as unprotected from the effect of the contagion of smallpox, persons having had an attack of smallpox excepted.

All persons not so protected shall be vaccinated or subjected to a quarantine of fifteen days' observation.

Certain Cargoes to Have Certificates as to Place of Collection and Packing.

4. All old rags, paper stock, hair, feathers, hides, skins, wool and similar materials which are liable to convey disease germs must

be accompanied by satisfactory certificates as to their place of collection and packing for shipment.

Throwing Overboard of Clothing, etc. Forbidden.

5. No article of clothing or bedding in use shall be thrown overboard from any vessel in Boston Harbor without the written consent of the Board of Health or the Quarantine Physician; nor shall any such article be removed from any vessel at her dock without such permission; all such articles which are to be destroyed shall be burned in the harbor under the supervision of the Quarantine Physician in the furnaces of the steamers.

Vessels not to Leave Quarantine Without Permit of Port Physician.

6. No vessel shall leave quarantine, nor shall her cargo, or any part thereof, be discharged, nor any person be allowed to go on board or to leave her while in quarantine, without the written permit of the Port Physician, who is hereby authorized and instructed to take such measures with regard to said vessel, cargo and persons, as, in his judgment, the public health may require.

From June to October, Inclusive, Certain Vessels to Stop at Quarantine.

7. During June, July, August, September and October of each year, subject to such changes as circumstances may from time to time require, all vessels arriving in this harbor from the following ports shall be inspected at quarantine station, viz.:

All vessels from any port in Europe, from the Western, Madeira, Canary or Cape de Verde Islands, from the Mediteranean or straits thereof, from the west coast of Africa, or around the Cape of Good Hope; from the West India, Bahama, Bermuda Islands, from any port south of Savannah, including Mexico, Central and South America, and vessels arriving from any place in the United States or British America, where they may have touched on their way from any foreign part or place above named.

* For penalty see Gen. L., ch. 111, s. 177 (2) preceding.

* Although the powers and duties of the Board of Health relative to the maintenance of the quarantine service for the Port of Boston are now abolished (see (7) preceding), yet the above regulations relative to quarantine adopted by the board of health prior to the passing of the ordinance so abolishing these powers and duties, are still in force and effect except so far as any or all of them may have been superseded by the United States quarantine regulations applicable to the Port of Boston; and although in the first instance, enforceable by the government they may be invoked by the Health Commissioner in the exercise of his powers and duties relative to the preservation of the public health; see order of the Health Commissioner of July 13, 1920 requiring the removal to the Quarantine Hospital at Gallop's Island maintained by the United States Public Health Service, of all persons leaving a certain steamship deemed by the Health Commissioner, foul and infected so as to endanger the public health, and who and whose clothing, etc. have not been so treated as to remove all danger to the public health, there to remain under the orders of the Health Commissioner, and designating such Quarantine Hospital including the detention quarters provided on Commonwealth Pier, as a hospital for the custody, care and isolation under the quarantine laws and regulations in force in the City of Boston.

CHAPTER 8. VACCINATION. SCHOOL ATTENDANCE AND EXCLUSION.

Sect.	Sect.
1. Boards of health to enforce vaccination and provide means of free vaccination. Penalty for refusal to comply with requirement of board.	certificate. Exclusion of pupils from households having a contagious disease.
2. Boards of health authorized to require the authorities in charge of certain institutions to cause the inmates thereof to be vaccinated.	5. Regulations of the public schools of Boston, relative to the care of health of pupils. Certificates of vaccination. Exclusion because of communicable disease.
3. Exemptions. Persons over 21, under guardianship, not subject to section 181; and children whose physical condition will be endangered not subject to sections 181 and 182.	6. Health Commissioner to have vaccine virus and supply same to department physicians and physicians in Boston Dispensary.
4. Unvaccinated children not to be admitted to public schools without a physician's	7. Health Commissioner shall appoint medical inspectors and require them to vaccinate all who apply and to give certificates of vaccination to school children.

I.

STATUTES.

(1)

Boards of Health to Enforce Vaccination and Provide Means of Free Vaccination. Penalty for Refusal to Comply with Requirement of Board.

G. L., Ch. 111. SECT. 181. Boards of health, if in their opinion it is necessary for public health or safety, shall require and enforce the vaccination and re-vaccination of all the inhabitants of their towns, and shall provide them with the means of free vaccination. Whoever refuses or neglects to comply with such requirement shall forfeit five dollars.

1809, 116, s. 2.	P. S. 80, s. 52, 53.	183 Mass. 242.
R. S. 21, s. 45.	1894, 515, s. 3, 4.	197, U. S. 11.
1855, 414, s. 3, 4, 6.	R. L. 75, s. 137.	
G. S. 26, s. 28, 29.	1902, 190, s. 1.	

(2)

Boards of Health Authorized to Require the Authorities in Charge of Certain Institutions to Cause the Inmates Thereof to be Vaccinated.

G. L., Ch. 111. SECT. 182. The board of health of a town where any incorporated manufacturing company, almshouse, reform or industrial school, hospital or other establishment where the poor or sick are received, prison, jail or house of correction, or any institution supported or aided by the commonwealth, is situated may, if it decides that it is necessary for the health of the inmates or for the public safety, require the authorities of said establishment or institution, at the expense thereof, to cause all said inmates to be vaccinated.

1855, 414, s. 5, 6.	1894, 515, s. 5.	Op. A. G. (1920), 54.
G. S. 26, s. 30.	1898, 433, s. 23.	
P. S. 80, s. 54.	R. L. 75, s. 138.	

(3)

Exemptions. Persons over 21, Under Guardianship, not Subject to Section 181; and Children Whose Physical Condition will be Endangered not Subject to Sections 181 and 182.

G. L., Ch. 111. SECT. 183. Any person over twenty-one presenting a certificate, signed by the register of a probate court, that he is under guardianship shall not be subject to section one hundred and eighty-one; and any child presenting a certificate, signed by a registered physician designated by the parent or guardian, that the physician has at the time of giving the certificate personally examined the child and that he is of the opinion that the physical condition of the child is such that his health will be endangered by vaccination, shall not, while such condition continues, be subject to the two preceding sections.

1894, 515, s. 2.

R. L. 75, s. 139.

1902, 190, s. 2; 544, s. 10, 35.

(4)

Unvaccinated Children not to be Admitted to Public Schools Without a Physician's Certificate. Exclusion of Pupils Coming from Households Having a Contagious Disease.

G. L., Ch. 76. SECT. 15. An unvaccinated child shall not be admitted to a public school except upon presentation of a certificate like the physician's certificate required by section 183 of chapter 111. A child from a household where a person is ill with smallpox, diphtheria, scarlet fever, measles, or any other infectious or contagious disease, or from a household exposed to contagion from any such disease in another household, shall not attend any public school during such illness or exposure until the teacher of the school has been furnished with a certificate from the local board of health, or from the attending physician, stating that danger of conveying such disease by such child has passed.

1855, 414, s. 2.

1885, 198.

1906, 371.

G. S. 41, s. 8.

1894, 498, s. 9, 10.

1907, 215.

P. S. 47, s. 9.

1898, 496, s. 11.

1918, 117.

1884, 64.

R. L. 44, s. 6.

195 Mass. 29.

(5)

Regulations of the Public Schools of Boston (Revision Aug. 31, 1921,) Relative to the Care of Health of Pupils.

Certificates of Vaccination.

SECT. 195. (1) A child who has not been vaccinated shall not be admitted to a public school except upon presentation of a certificate signed by a registered physician, designated by the parent or guardian, stating that the physician has at the time of giving the certificate personally examined the child and is of the opinion that the physical condition of the child is such that his health will be endangered by vaccination. Such certificate once issued does not create an exemption from vaccination for all time, and a new certificate may be required from time to time in order to continue such exemption.

Exclusion Because of Communicable Disease.

SECT. 196. (1) A teacher, pupil, janitor or matron with signs or symptoms of smallpox, scarlet fever, measles, German measles, chicken pox, pulmonary

tuberculosis, diphtheria, influenza, tonsilitis, whooping cough, syphilis, gonorrhea, mumps, scabies, pediculosis, trachoma, cerebro-spinal meningitis, anterior poliomyelitis, or any other communicable disease or condition, shall be excluded from school, including evening and summer review schools and playgrounds, during such illness until the principal of the school or the teacher in charge of the playground has been furnished with a certificate from the Health Department, its authorized agent, the attending physician, or the school physician, stating that danger of contagion has passed. Exclusion on account of pediculosis shall mean exclusion until the condition is remedied.

(2) A teacher, pupil, janitor or matron, who is a member of a household in which a person is ill with a communicable disease, or a teacher or pupil known to be otherwise exposed to a communicable disease, shall not attend any public school, including evening and summer review schools and play-grounds, until the principal of the school or the teacher in charge of the playground has been furnished with a certificate from the Health Department, its authorized agent, the attending physician, or the school physician, stating that danger of contagion has passed.

(3) A member of a household in which a person is ill with a communicable disease or a teacher or pupil known to be otherwise exposed to a communicable disease may be excluded, readmitted, or allowed to remain in school in accordance with the following rules:

(a.) Scarlet Fever.—No exclusion if the person exposed has had the disease; otherwise the minimum period of exclusion shall be one week.

(b.) Diphtheria.—No exclusion if the person exposed has been immunized and can furnish a certificate (acceptable to the school physician) of two consecutive negative cultures obtained at an interval of forty-eight hours; otherwise the minimum period of exclusion shall be one week.

(c.) Smallpox.—No exclusion if the person exposed has had the disease or shows evidence of successful vaccination within five years; otherwise the minimum period of exclusion shall be eighteen days.

(d.) Typhoid Fever.—No exclusion of persons exposed; they may be admitted to school under the observation of the school physician.

(e.) Measles, Whooping Cough, Anterior Poliomyelitis.—No exclusion if the person exposed has had the disease; otherwise the minimum period of exclusion shall be two weeks.

(f.) Cerebro-Spinal Meningitis.—All persons exposed shall be excluded for a period of one week from termination of quarantine.

(g.) Chicken Pox, Mumps, German Measles.—No exclusion if the person exposed has had the disease; otherwise the minimum period of exclusion shall be three weeks.

(h.) The periods of exclusion for all communicable diseases not definitely specified shall be such as the school physician may decide in each case after consultation with the principal of the school.

(4) Evidence of a previous attack of the communicable diseases mentioned in the preceding paragraph must be satisfactory to the school physician.

(5) The word "household" used in connection with the regulations relating to communicable diseases shall mean family.

SECT. 197. (1) If a principal or teacher has reason to believe that a teacher, pupil, janitor or matron is absent on account of sickness of a communicable nature; that there is a suspicion that a communicable disease exists in the household of any pupil or teacher attending school has visited a household wherein a communicable disease existed at the time of said visit, such teacher or pupil shall be excluded from school, including evening and summer review schools and playgrounds, until the conditions are investigated by the school physician.

(2) A teacher, pupil, janitor or matron returning to school or to playground after an attack of communicable disease or from a household in which there has been exposure to contagion shall be readmitted only on recommendation of the school physician.

SECT. 198. (1) Pupils shall not be sent to the homes of absent pupils suspected of having communicable diseases.

SECT. 373. (2) Attendance officers shall not visit premises where communicable diseases are believed to exist, unless absolutely necessary.

II.

ORDINANCES.

(6)

Health Commissioner to Supply Vaccine Virus to Department Physicians and Physicians in the Boston Dispensary.

R. O. 1914, ch. 17. SECT. 1, Clause 4. The health department shall be under the charge of the Health Commissioner who . . . shall keep on hand, so far as practicable, a sufficient quantity of vaccine virus and anti-toxin, and supply the same free of charge to the physicians in the several departments and in the Boston Dispensary.

(7)

Health Commissioner to Appoint Medical Inspectors and Require Them to Vaccinate All Who Apply and to Give Certificates of Vaccination to School Children.

Same. SECT. 2, Par. 2, Clause 2. The Commissioner shall appoint one or more medical inspectors and require them . . . to vaccinate and revaccinate all inhabitants of the city who apply for vaccination required for admission to the public schools.

References.

Sect. (5.) The School Committee shall cause to be referred to a school physician for examination and diagnosis every child returning to school without a certificate from the Board of Health after absence on account of illness or from unknown cause, and every child who shows signs of ill health or of suffering from infectious or contagious disease, unless at once excluded from school by the teacher. G. L., ch. 71, s. 55.

The School Committee shall cause the parent to be notified of any disease found in a pupil. A child showing symptoms of communicable disease shall be sent home immediately, or as soon as safe and proper conveyance can be found; and the Board of Health shall at once be notified. G. L., ch. 71, s. 56 (see (9) of chapter 2 preceding).

PART III.—VITAL STATISTICS, BURIAL RECORDS AND INTERMENTS.

- Chapter 1. Births and Deaths.
- Chapter 2. Burial Grounds and Interments.
- Chapter 3. Burial Permits.
- Chapter 4. Cemetery Location.
- Chapter 5. Infected Dead Bodies, Preparation, Removal and Burial.
- Chapter 6. Undertakers' Licenses.

CHAPTER 1.—BIRTHS AND DEATHS.

Sect.

1. Registrar to file list of births daily with board of health.
2. Householders, etc., to give notice of deaths to board of health. Duties of superintendents of institutions relative to births and deaths therein.
3. Master of vessel to give notice of death to board of health of town where vessel thereafter first arrives.
4. Penalty.

Sect.

5. State Secretary to furnish boards of health with certain record books, etc.
6. In statements of births and deaths printed by towns, certain names not to be printed. Penalty.
7. Boards of health to send state department a weekly list of deaths from infectious disease.
8. Undertakers in Boston to report to health commissioner deaths from infectious disease.

I.

STATUTES.

(1)

Daily List of Births to Board of Health.

G. L., Ch. 46. SECT. 3, Par. 2: The said town clerk or registrar shall file daily with the local board of health a list of all births reported to him, showing, as to each, the date of birth, sex, color, family name, residence, ward and physician or officer in charge.

1912, 280, s. 2.

(2)

Notice of Births and Deaths by Parent, Keeper, etc.

G. L., Ch. 46. SECT. 6. Parents, within forty days after the birth of a child, and every householder, within forty days after a birth in his house, shall cause notice thereof to be given to the clerk of the town where such child is born. Every householder in whose house a death occurs and the oldest next of kin of a deceased person in the town where the death occurs shall, within five days thereafter, cause notice thereof to be given to the board of health or, if the selectmen constitute such board, to the town clerk. The keeper, superintendent or person in charge of a workhouse, house of correction, prison, reformatory, hospital, almshouse or other institution, public or private, which receives inmates from within or without the limits of the town where it is located shall, when a person is received, obtain a record of all the facts which would be required for record in the event of the death of such person, and shall, on or before the fifth day of each month, give notice to the town clerk of every birth and death among the persons under his charge during the preceding month. The facts required for record by section one shall, so far as obtainable, be included in every notice given under this section.

C. G. 130, s. 2.

1692-3, 48.

1795, 69, s. 2.

R. S. 15, s. 47.

G. S. 21, s. 2.

P. S. 32, s. 2.

1897, 444, s. 6.

R. L. 29, s. 6.

For penalty see (4) following.

(3)

Master to Report Deaths on Vessel.

G. L., Ch. 46. SECT. 7. The master or other commanding officer of a vessel shall give notice, with the facts required for record, of every birth or death

occurring among the persons under his charge. The notice of a birth shall be given to the clerk, and the notice of a death shall be given to the board of health or, if the selectmen constitute such board, to the clerk of the town at which his vessel first arrives after such birth or death.

1692-3, 48.

G. S. 21, s. 2.

R. L. 29, s. 7.

1795, 68, s. 2.

P. S. 32, s. 2.

For penalty see (4) following.

R. S. 15, s. 47.

1897, 444, s. 7.

(4)

Penalty for Neglect to Report.

G. L., Ch. 46. SECT. 8. A parent, keeper, superintendent or other person required by section six to give or cause to be given notice of a birth or death, neglecting so to do for ten days after the time limited therefor, and the master or commanding officer of a vessel neglecting so to do for ten days after the arrival of his vessel at the place where notice is to be given, shall forfeit not more than five dollars.

1795, 69, s. 2.

G. S. 21, s. 2.

1897, 444, s. 8.

R. S. 15, s. 47.

P. S. 32, s. 2.

R. L. 29, s. 8.

(5)

Blank Forms to be Furnished to Towns, etc.

G. L., Ch. 46. SECT. 16. The state secretary shall prepare and furnish to the clerks and boards of health of towns, and to the superintendent of the state infirmary, record books, books for indexes thereto, forms for returns, on paper of uniform size, and any necessary instructions and explanations, including an explanation that sections 110 and 111 of chapter 111 require physicians, registered medical officers, nurses, relatives or other attendants to report immediately to the local board of health every child one or both of whose eyes become inflamed, swollen and red and show an unnatural discharge within two weeks after birth. Town clerks shall distribute the blank forms as the state secretary shall direct. A town may provide such books and forms if they conform to those so prepared.

1842, 95, s. 2.

P. S. 32, s. 14.

1911, 104.

1844, 159, ss. 6, 7.

1897, 444, s. 18.

1912, 470, s. 1.

1849, 202, s. 5.

1900, 333.

1920, 244, s. 2.

G. S. 21, s. 9.

R. L. 29, s. 17.

(6)

Name of Illegitimate Child, etc.

G. L., Ch. 46. SECT. 24. In any statement of births and deaths printed by a town the name of an illegitimate child or of its parents or of the parents of a stillborn child shall not be printed, but the word "illegitimate" or "stillborn" shall be used in place thereof. A town violating this section shall forfeit to the mother of such child not more than one hundred dollars.

1897, 444, s. 27.

R. L. 29, s. 25.

(7)

Weekly Reports of Deaths from Infectious Disease.

G. L. Ch. 111. SECT. 29. Boards of health shall send to the state department of public health every week, upon forms to be prescribed by it, a report

of deaths in their towns for the week ending Saturday noon, from all diseases declared by the department to be dangerous to the public health.

1897, 428, s. 2.

1913, 210.

1916, 53.

R. L. 75, s. 12.

1914, 792, s. 1.

1919, 350, s. 96.

II.

REGULATIONS.

(8)

Undertakers to Report Deaths from Infectious Disease.

Reg. Oct. 18, 1912, Par. 6. It shall be the duty of every undertaker having notice of a death of any person within the city of Boston, from smallpox, diphtheria (croup), scarlet fever, yellow fever, typhus fever, plague, Asiatic cholera or any other infectious or communicable disease dangerous to the general health of the community, or the bringing of a dead body of any person who has died of any such disease in such city, to give immediate notice thereof to the Board of Health.

For penalty see (1) of chapter 2, following.

CHAPTER 2.—BURIAL GROUNDS AND INTERMENTS.

Sect.

1. Boards of health may make regulations and impose penalties; may prohibit certain practices by undertakers; and may close any tomb or cemetery to protect the public health. Notice of regulations.
2. Hearing before closing tomb or cemetery more than one month. Notice.
3. Appeal to Superior Court. Notice to be given board. Order of board to remain in force until appeal determined.
4. Appeal to be tried before jury. Costs.
5. Cremation regulated. Regulations of state board of health.

Sect.

6. Superintendent of cemetery not to permit burial, removal, etc., until certain certificates received.
7. Undertakers not to bury ashes of a human body until certain certificates received.
8. Depth of grave regulated. Permit required when burial at any other hour than between sunrise and sunset, and for opening grave or tomb between June first and October first, except for interments.
9. Use of "wall draperies" regulated.

I.

STATUTES.

(1)

Power to Make Regulations and Prohibit Certain Practices.

G. L. Ch. 114. SECT. 37. Boards of health may make regulations concerning burial grounds and interments within their towns; may impose penalties not exceeding one hundred dollars for a breach thereof; may prohibit the use by undertakers, for the purpose of speculation, of tombs as places of deposit for bodies committed to them for burial; and may close any tomb, burial ground, cemetery or other place of burial within the town for such time as they consider necessary for the protection of the public health. Notice of such regulations shall be given by publishing them in a newspaper, if any, of the town; otherwise by posting a copy in a public place therein. Such publication shall be notice to all persons.

R. S. 21, ss. 7, 8.

1885, 278, s. 1.

S Cush. 66.

1855, 257, ss. 5, 6.

R. L. 78, s. 31.

13 Allen, 546.

G. S. 28, ss. 6, 7.

16 Pick. 121.

109 Mass. 1.

P. S. 82, ss. 19, 20.

NOTE.—The regulations authorized by the above section are not limited to acts done within the burial grounds but extend to the removal of dead bodies through the streets for the purpose of burial. 13 Allen, 546.

(2)

To Give Hearing before Ordering Tomb or Cemetery Closed for over Month.

G. L., Ch. 114. SECT. 38. Before a tomb, burial ground or cemetery is closed by order of the board of health for more than one month, all persons interested shall have an opportunity to be heard, and personal notice of the time and place of hearing shall be given to at least one owner of the tomb, and to three at least, if there are so many, of the owners of such burial ground or cemetery, and notice shall be published for at least two successive weeks preceding such hearing in two newspapers published in the county.

1855, 257, s. 9.

G. S. 28, s. 8.

P. S. 82, s. 22.

R. L. 78, s. 32.

(3)

Appeal from Order of Board.

G. L., Ch. 114. SECT. 39. The owner of a tomb aggrieved by an order of the board of health closing a tomb, burial ground or cemetery may, within six months after the date thereof, appeal therefrom to the superior court, first giving written notice to the board fourteen days before the entry of such appeal; but the order of the board shall remain in force until the appeal has been determined.

1855, 257, s. 7.

G. S. 28, s. 9.

P. S. 82, s. 23.

R. L. 78, s. 33.

(4)

Trial. Costs.

G. L., Ch. 114. SECT. 40. Appeals shall be tried before a jury, and if the jury find that the tomb, burial ground or cemetery so closed was not a nuisance or injurious to the public health at the time of the order and that the closing thereof was not necessary for the protection of the public health, the court shall rescind such order so far as it affects such tomb, burial ground or cemetery, and the appellant may recover the costs of appeal from the town where the tomb, burial ground or cemetery was situated. If the order is sustained, the board of health shall recover double costs, to the use of the town.

1855, 257, s. 7.

P. S. 82, s. 24.

R. L. 78, s. 34.

G. S. 28, s. 10.

1885, 278, s. 2.

(5)

Cremation Regulated.

G. L., Ch. 114. SECT. 44. The body of a deceased person shall not be cremated within forty-eight hours after his decease unless he died of a contagious or infectious disease, and, if the death occurred within the commonwealth, the body shall not be received or cremated by any corporation authorized to cremate the bodies of the dead until its officers have received the certificate or burial permit required by law before burial, and a certificate from the medical examiner that he has viewed the body and made personal inquiry into the cause and manner of death, and is of opinion that no further examination or judicial inquiry concerning the same is necessary. If the death occurs without the commonwealth, the reception and cremation of the body of a deceased person shall be governed by a by-law or regulation made or approved by the department of public health as provided by section nine.

1885, 265, s. 4.

1898, 437, s. 2.

R. L. 78, s. 37.

1907, 138.

For penalty see (4) of chapter 3 following.

NOTE.—Regulations established by the State Board of Health December 5, 1907: 1. A dead body received for cremation from without the commonwealth shall be accompanied by the usual burial permit required by law before burial and, if from a state in which district medical examiners are established by law, by a certificate from that officer, similar to that required in this commonwealth. If from a state in which there are no district medical examiners, it shall be accompanied by the sworn certificate of the attending physician, if any, of the deceased, setting forth the cause of death.

2. No dead body received from without the commonwealth shall be cremated by any corporation authorized to cremate the bodies of the dead until its officers shall have received a certificate from a medical examiner of this commonwealth that he has viewed the body and is of opinion that no further examination or judicial inquiry concerning the same is necessary.

3. Where the death occurred without the commonwealth more than ten years prior to the time of the presentation of the body for cremation, it may be cremated on receipt by said corporation of the certificate or burial permit required by the law of this commonwealth before burial.

(6)

**Superintendents of Cemeteries not to Permit Burials,
Removals, etc., until, etc.**

G. L. Ch. 114. SECT. 47, Par. 1. No person having the care of a cemetery, burial ground or crematory shall permit the burial, removal or cremation

of a human body until the permit for such burial, removal or cremation has been delivered to him, nor permit the ashes of a human body to be buried therein until there has been delivered to him a certificate that the burial permit and the certificate of the medical examiner prerequisite to the cremating of said body have been duly presented.

1897, 437, s. 3.

R. L. 78, s. 40.

For penalty see (4) of chapter 3 following.

(7)

Undertakers not to Bury Ashes of Body, until, etc.

G. L., Ch. 114. SECT. 48. An undertaker shall not bury the ashes of a human body until he has received from the person having the charge of the crematory a certificate that the burial permit and the certificate of the medical examiner prerequisite to the cremating of said body have been duly presented.

1897, 437, s. 4.

R. L. 78, s. 41.

For penalty see (4) of chapter 3 following.

II.

ORDINANCES.

(8)

Depth of Grave. Permits for Burial at Certain Hours, and for Opening Grave.

R. O. 1914, Ch. 40. SECT. 15. No person shall bury, or cause to be buried, a dead body, in a grave less than three feet deep from the surface of the surrounding ground to the top of the coffin; and no person shall, except in accordance with a permit from the board of health, either bury, or cause to be buried, a dead body, at any other time than between sunrise and sunset, or open a grave or tomb between the first day of June and the first day of October for a purpose other than that of interring the dead.

For penalty see R. O. 1914, ch. 40, s. 92.

III.

REGULATIONS.

(9)

“Wall Draperies.”

Reg. Oct. 11, 1898. The Board of Health hereby adjudges that the use of “Wall Draperies” * at funerals is a source of filth and cause of sickness, and hereby

Orders: That the use of such draperies in any room or place used for a funeral or for the preparation or retention of any human body before or in connection with such funeral be, and hereby is, forbidden.

For penalty see G. L., ch. 111, s. 122

* These include canopies and other draperies and hangings hired out or used by undertakers at successive funerals

CHAPTER 3.—BURIAL PERMITS.

Sect.

1. Burial or removal of body from town, or from one cemetery to another, prohibited without a permit from the board of health. Permit not to be issued until certain data received.
2. Bodies brought into state, requirements for burial permit.
3. Coupon of burial permit.
4. Penalty.
5. Facts required for record of deaths.
6. Physician's certificate. Penalty.
7. Certificate when deceased a soldier, etc.
8. Undertakers to make returns.
9. Deaths by violence.

Sect.

10. Use of embalming fluid prohibited in cases of death by violence, without a permit from medical examiner.
11. Registered embalmers. Card of renewal.
12. Bodies for transportation to be prepared by registered embalmers only.
13. Unauthorized changes in wording of permit, etc.
14. Duties of undertakers prior to embalming, regulated. List of deaths that should be referred to medical examiner.
15. Rule for issuance of Burial Permit. Death certificate to be signed by a registered physician.

I.

STATUTES.

(1)

Burial Permits.

G. L. Ch. 114. SECT. 45. (As amended by Acts 1922, Ch. 176, section 1.) Except as provided in sections forty-four and forty-six, no undertaker or other person shall bury or otherwise dispose of a human body in a town, or remove therefrom a human body which has not been buried, until he has received a permit from the board of health or its agent appointed to issue such permits, or if there is no such board, from the clerk of the town where the person died; and no undertaker or other person shall exhume a human body and remove it from a town, or from one cemetery to another, until he has received a permit from the board of health or its agent aforesaid or from the clerk of the town where the body is buried. No such permit shall be issued until there shall have been delivered to such board, agent or clerk, as the case may be, a satisfactory written statement containing the facts required by law to be returned and recorded, which shall be accompanied, in case of an original interment, by a satisfactory certificate of the attending physician, if any, as required by law, or in lieu thereof a certificate as hereinafter provided. If there is no attending physician, or if, for sufficient reasons, his certificate cannot be obtained early enough for the purpose, or is insufficient, a physician who is a member of the board of health, or employed by it or by the selectmen for the purpose, shall upon application make the certificate required of the attending physician. If death is caused by violence, the medical examiner shall make such certificate. The board of health, or its agent, upon receipt of such statement and certificate, shall forthwith countersign it and transmit it to the clerk of the town for registration. The person to whom the permit is so given and the physician certifying the cause of death shall thereafter furnish for registration any other necessary information which can be obtained as to the deceased, or as to the manner or cause of death, which the clerk or registrar may require.

1878, 174.

P. S. 32, s. 5.

1888, 306, s. 2.

1893, 263, s. 2.

1897, 437, s. 1.

R. L. 78, s. 38.

1922, 176, s. 1.

4 Op. A. G. 406.

For penalty see (4) following.

(2)

Burial of Bodies Brought into Commonwealth.

G. L., Ch. 114. SECT. 46. No undertaker or other person shall bury a human body or the ashes thereof which have been brought into the commonwealth until he has received a permit so to do from the board of health or its agent appointed to issue such permits, or if there is no such board, from the clerk of the town where the body is to be buried or the funeral is to be held, or from a person appointed to have the care of the cemetery or burial ground in which the interment is made, if a record is kept of the names of all persons buried therein, or from a duly appointed superintendent of burials in such town who keeps a record of interments. Such permit shall not be issued until the undertaker or other person has delivered a certificate to said board, agent, clerk, superintendent or person having such care, giving the name of the deceased, his age as nearly as can be ascertained, the cause of death, the name of the town where he last resided or from which the body was brought, or, if the death occurred at sea, the name of the vessel upon which it occurred, and any other facts required for record which could be obtained with reasonable diligence. The board of health or its agent, or the superintendent or person having such care, shall, upon receipt of such certificate, forthwith countersign and transmit it to the town clerk; and if the deceased was a resident of said town, the clerk shall record the same in the books kept for recording deaths; but if the deceased was at his death a resident of any other town within the commonwealth said clerk shall forthwith forward to the clerk thereof a copy of such certificate, who shall record the same.

1897, 437, s. 2.

R. L. 78, s. 39.

For penalty see (4) following.

(3)

Coupon Accompanying Burial Permit.

G. L., Ch. 114. SECT. 47, Par. 2. Upon the burial or cremation of a body, the superintendent or other officer in charge of the cemetery or crematory shall endorse upon the coupon accompanying the permit the fact of such burial, removal or cremation, with the date thereof, shall make and preserve a record of the burial, removal or cremation and shall forthwith return the coupon to the office issuing the same; provided that if there is no officer in charge of the cemetery such duties shall be performed by the undertaker.

1920, 321.

1921, 333.

For penalty see (4) following.

(4)

Penalty.

G. L., Ch. 114. SECT. 50. (As amended by Acts 1922, Ch. 176, sec. 2.) Violations of any of the provisions of sections forty-four to forty-eight, inclusive, shall be punished by a fine of not more than fifty dollars.

1897, 437, s. 5.

R. L. 78, s. 42.

1922, 176, s. 2.

(5)

Written Statement of Facts Required to be Recorded.

G. L. Ch. 46. SECT. 1. Each town clerk shall receive or obtain and record in separate columns the following facts relative to births, marriages and deaths in his town: . . . In the record of death, date of record, date of death, name

of deceased, sex, color, condition (whether single, widowed, married or divorced), supposed age, residence, occupation, place of death, place of birth, names and places of birth of the parents, maiden name of the mother, disease or cause of death, defined so that it can be classified under the international classification of causes of death, place of burial, name of the cemetery, if any, and, if deceased was a married or divorced woman or a widow, her maiden name and the name of her husband. The word "residence," as used in this section, shall be held to include the name of the street and number, if any, of the house.

A. C. 43.	1844, 159, s. 1.	1897, 444, s. 1.
G. L. 130, s. 2.	1849, 202, s. 1.	R. L. 29, s. 1.
1692-3, 48.	G. S. 21, s. 1.	1910, 322, s. 1.
1695-6, 2.	P. S. 32, s. 1.	200 Mass. 474.
1795, 69, s. 1.	1887, 202, s. 5.	4 Op. A. G. 126.
R. S. 15, s. 46.	1890, 402.	

(6)

Certificate of the Attending Physician.—Penalty.

G. L., Ch. 46. SECT. 9. A physician or registered hospital medical officer shall forthwith, after the death of a person whom he has attended during his last illness, at the request of an undertaker or other authorized person or of any member of the family of the deceased, furnish for registration a standard certificate of death, stating to the best of his knowledge and belief the name of the deceased, his supposed age, the disease of which he died, defined as required by section one, where same was contracted, the duration of his last illness, when last seen alive by the physician or officer and the date of his death. A physician or officer attending at the birth of a child dying immediately thereafter, or a physician or officer attending at the birth of a child born dead, shall forthwith furnish for registration a certificate, stating that to the best of his knowledge and belief such child either died immediately after birth or was born dead. Both the birth and death of such child shall be recorded and, if it was born dead, the words "stillborn," shall be entered in both the record of birth and death. A physician or any such officer neglecting or refusing to make such certificate or making a false statement therein shall forfeit not more than fifty dollars.

G. S. 21, s. 3.	1893, 263, s. 1.	1910, 322, s. 2.
P. S. 32, s. 3.	1897, 444, s. 10.	1920, 244, s. 2.
1888, 63; 306, s. 1.	R. L. 29, s. 10.	4 Op. A. G. 406.

(7)

Certificate When Deceased a Soldier.—Penalty.

G. L., Ch. 46. SECT. 10. A physician or officer furnishing a certificate required by the preceding section shall, if the deceased was a soldier or sailor who served in the war of the rebellion, give both the primary and the secondary or immediate cause of death as nearly as he can state the same, and for neglect thereof shall forfeit ten dollars.

1889, 224.	1897, 444, s. 11.	R. L. 29, s. 11.	1920, 244, s. 2.
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(8)

Undertakers to Make Returns.

G. L., Ch. 46. SECT. 11. Every undertaker or other person in charge of a funeral shall forthwith obtain the physician's or officer's certificate required by section nine, enter thereon the facts as to the deceased required by section one to

be recorded, and return it to the board of health or its agent, or, if the selectmen constitute such board, to the clerk of the town where the death occurred. The person making such return shall receive from the town a fee of twenty-five cents. The board of health shall transmit such certificate to the town clerk.

1844, 159, s. 4.

1873, 202.

1920, 244, s. 2.

1849, 202, s. 3.

P. S. 32, s. 4.

200 Mass. 479.

G. S. 21, s. 4.

1897, 444, s. 12.

4 Op. A. G. 406.

1872, 275, s. 1.

R. L. 29, s. 12.

(9)

Deaths by Violence.

G. L. 38. SECT. 6. Medical examiners shall make examination upon the view of the dead bodies of only such persons as are supposed to have died by violence. If a medical examiner has notice that there is within his county the body of such a person, he shall forthwith go to the place where the body lies and take charge of the same; and if, on view thereof and personal inquiry into the cause and manner of death, he considers a further examination necessary, he shall, upon written authorization of the district attorney, mayor or selectmen of the district, city or town where the body lies, make an autopsy . . .

1877, 200, ss. 7, 8, 16.

R. L. 24, ss. 8, 9, 19.

214 Mass. 313.

P. S. 26, ss. 10, 11, 19.

128 Mass. 422.

219 Mass. 528.

1885, 379, s. 2.

132 Mass. 261.

2 Op. A. G. 95.

1890, 440, s. 9.

(10)

Use of Embalming Fluid Regulated.

G. L., Ch. 38. SECT. 14. No embalming fluid, or any substitute therefor, shall be injected into the body of any person supposed to have met his death by violence until a permit, signed by the medical examiner, has first been obtained.

1892, 152.

R. L. 24, s. 20.

(11)

Registered Embalmers.

Rule eight of the State Board of Registration in Embalming, Section 1. All registered embalmers must show card of renewal upon request of board of health or person authorized to issue permits. Boards of health, city or town clerks or selectmen of a town, or other persons authorized to issue burial permits may have a certified list of embalmers, compiled and furnished by the State Board of Registration in Embalming.

(12)

Rule ten of the State Board of Registration in Embalming, Section 2. No transportation company operating in Massachusetts shall receive the body of any person deceased, until it has been prepared by a registered embalmer holding a certificate issued by the State Board of Registration in Embalming.

For penalty see G. L., ch. 112, s. 83.

II.

REGULATIONS.

(13)

Unauthorized Change of Permit.

Reg. Oct. 15, 1909. No undertaker or other person unauthorized by the Board of Health, shall change in any way the wording

of any permit granted by the Board of Health for the burial or removal of any human body, or bury any such body in any cemetery or place except that designated on the said permit.

For subject of penalty see G. L., ch. 114, s. 37, [chap. 2 (1) preceding.]

(14)

Duties of Undertakers Before Embalming.

Reg. June 21, 1910. No undertaker shall introduce into the body of any person any embalming fluid or substitute therefor, or shall endeavor to preserve said body otherwise than by freezing or cooling, until either the physician's certificate of death required by law is obtained, or until the following questions are so answered as to preclude the necessity of referring the case to the Medical Examiner:

Doctor's name?

Length of doctor's attendance?

Last visit of doctor during life?

Probable nature of disease?

Probable cause of death?

Is there any possible reason for referring the case to the Medical Examiner? *

If no doctor has been in attendance within two weeks, special permission must always be obtained from the Board of Health or Medical Examiner before embalming.

III.

RULES, RESTRICTIONS AND REQUIREMENTS.

(15)

Issuance of Burial Permits.

Vote, Mar. 30, 1910. No certificate of death shall be received as complete evidence of the cause of death, except when made and signed by a registered physician.

* "Medical examiners will investigate and certify to all deaths supposedly due to injury. These include not only deaths caused directly or indirectly by traumatism (including resulting septicemia), and by the action of chemical (drugs or poisons), thermal, or electrical agents, and deaths following abortion, but also deaths from disease resulting from injury or infection related to occupation, the sudden deaths of persons not disabled by recognized disease, and those of persons found dead." State Division of Vital Statistics.

CHAPTER 4.—CEMETERY LOCATION.

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| <p>Sect.
1. Use of land for burial prohibited unless by permission of the mayor, etc. Exception. But such permission not to be given until location approved in writing by board of health, after notice and hearing. Description of location to be included in records of the board. Penalty.</p> | <p>Sect.
2. Land so situated that its ground drainage may enter any stream, etc., not to be used for purpose of burial until plan and description of such land are submitted to and approved in writing by the department of public health. Exception.
3. Appeal to department of public health from order of board of health approving use of lands for cemetery purposes.</p> |
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I.

STATUTES.

(1)

Use of Land for New Cemetery or Extension of Old One.—Penalty.

G. L., Ch. 114. SECT. 34. Except in the case of the erection or use of a tomb on private land for the exclusive use of the family of the owner, no land, other than that already so used or appropriated, shall be used for burial unless by permission of the town or of the mayor and aldermen of the city in which the same lies; but no such permission shall be given until the location of the lands intended for such use has been approved in writing by the board of health of the town where the lands are situated after notice to all persons interested and a hearing; and the board of health, upon approval of the use of any lands either for new cemeteries or for the extension of existing cemeteries, shall include in the records of the said board a description of such lands sufficient for their identification. For every interment in violation of this section in a town in which the notice prescribed in section thirty-seven* has been given the owner of the land so used shall forfeit not less than twenty nor more than one hundred dollars.

1855, 257, ss. 2-4.

G. S. 28, ss. 5, 11.

P. S. 82, ss. 18, 21.

R. L. 78, s. 30.

1908, 379, s. 1.

99 Mass. 281.

118 Mass. 354.

226 Mass. 5.

(2)

Plan to be Approved by Department of Public Health.

G. L., Ch. 114. SECT. 35. No land other than that so used and appropriated on April tenth, nineteen hundred and eight, shall be used for the purpose of burial if it be so situated that surface water or ground drainage therefrom may enter any stream, pond, reservoir, well, filter gallery or other water used as a source of public water supply, or any tributary of a source so used, or any aqueduct or other works used in connection therewith, until a plan and description of the lands proposed for such use have been submitted to, and approved in writing by the department of public health.

1908, 379, s. 2.

* See chap. 2, s. 1, preceding.

(3)

Appeal from the Local Board of Health.

G. L., Ch. 114. SECT. 36. Any person, including those persons in control of any public land, or the officers of any municipality, aggrieved by the action of a board of health in approving the purchase, taking or use of any lands for cemetery purposes may, within sixty days, appeal from the order of said board to the department of public health, and said department may, after a hearing, rescind such order or may modify and amend the same by approving a part of the lands so proposed for such use.

1908, 379, s. 3.

CHAPTER 5.—INFECTED DEAD BODIES, PREPARATION,
REMOVAL AND BURIAL.

Sect.	Sect.
1. Conveyance of certain bodies prohibited until prepared so as to prevent contagion. Certificate stating cause of death and how body prepared. Penalty.	3. Undertakers forbidden to assist at certain funerals.
2. Certain infected dead bodies not to be transported, except after cremation.	4. Retaining dead body unburied for more than four days, or if infected with certain diseases, longer than forty-eight hours, prohibited without a permit from the Health Commissioner. Exemption.
3. Regulation relative to infected dead bodies.	5. Casket to be properly sealed. Body to be disinfected and coffin not reopened. Glass face panel allowed.
1. Certain funerals to be private.	
2. Retaining certain bodies prohibited except in sealed coffins. Preparation of body.	

I.

STATUTES.

(1)

Conveyance of Infected Dead Bodies.—Penalty.

G. L., Ch. 111. SECT. 107. No person shall convey or cause to be conveyed through or from any town in the commonwealth the body of any person who has died of smallpox, scarlet fever, diphtheria or typhus fever until such body has been so encased and prepared as to preclude danger of contagion or infection by its transportation; and no town clerk, or clerk or agent of the board of health, shall give a permit for the removal of such body until he has received from the board of health of the city or from the selectmen of the town where the death occurred a certificate stating the cause of death, and that said body has been prepared in the manner prescribed in this section. The certificate shall be delivered to the agent or person receiving the body. Whoever violates this section shall forfeit not more than twenty-five dollars.

1883, 124, s. 2.

1897, 437, s. 6.

1887, 335.

R. L. 78, s. 43.

(2)

Certain Bodies not to be Transported.

State Board of Registration in Embalming, Rule 1. The transportation of bodies dead of smallpox, Asiatic cholera, yellow fever or bubonic plague is absolutely forbidden, except after cremation.

For penalty see G. L., ch. 112, s. 83.

II.

REGULATIONS.

(3)

Infected Dead Bodies.*Funerals to be Private.*

Reg. Oct. 18, 1912, Par. 1. A public or church funeral shall not be held of any person who has died of smallpox, scarlet fever,

yellow fever, typhus fever, Asiatic cholera or plague, but the funeral of such person shall be private, and it shall not be lawful to invite or permit at the funeral of any person who has died of any of the above diseases, or at any service connected therewith, any person whose attendance is not necessary.

Bodies to be Retained in Sealed Coffins Only.

Par. 2. No person shall retain or expose or assist in the retention or exposure of a dead body of any such person except in a coffin or casket properly sealed, nor shall he allow any such body to be placed in any coffin or casket unless the body has been washed in a 1-500 solution of bichloride of mercury and wrapped in a sheet saturated with a proper disinfecting solution, and the coffin or casket shall then be immediately and permanently sealed.

Undertakers not to Assist at Certain Funerals.

Par. 3. No undertaker shall assist in a public or church funeral of any such person.

Bodies not to be Retained Unburied.

Par. 4. No person shall retain, expose, or allow to be exposed or retained unburied, the dead body of any human being for a longer time than four days, or where death has resulted from small pox, diphtheria (croup), scarlet fever, yellow fever, typhus fever, plague, or Asiatic cholera, for a longer time than forty-eight hours after the death of said person, without a permit from the Board of Health, which permit shall specify the length of time which such body may be retained unburied, but this regulation shall not apply to bodies retained in any public morgue in the City of Boston.

Properly Sealed Casket, etc.

Par. 5. A properly sealed casket (a coffin with a glass face panel may be used if desired) shall be used in diphtheria (croup), scarlet fever, typhoid fever, measles, tuberculosis, cerebro-spinal meningitis, acute anterior poliomyelitis, anthrax and glanders, after the body has been disinfected and enclosed in a coffin, which must not be reopened.

For penalty see (1) of chapter 2, preceding.

CHAPTER 6.—UNDERTAKERS, LICENSE.

Sect.

1. Boards of health to license annually a suitable number of undertakers. License to be upon such terms as the board may prescribe. Revocation. Licensee may act in any town.
2. License in Boston issued on following terms and conditions:
 1. Associations, partnerships and corporations not to be licensed.
 2. Licenses limited to United States citizens maintaining proper establishments in Boston.
 3. Persons unfit physically, etc., not to be licensed.
 4. Certain intelligence required.

Sect.

2. 5. Familiarity with precautions for preventing spread of disease, etc., required.
6. Other occupations pursued to be specified on license.
7. Established place of business to be maintained. Requirements.
8. Compliance with law, requisite.
9. Revocation.
10. Restricted licenses.
11. Indemnity clause.
12. Application. Certificate, etc.
13. Time for making application.
14. Construction of terms.
15. Act and policy clause.

I.

STATUTES.

(1)

License.

G. L., Ch. 114. SECT. 49. Boards of health shall annually, on or before May first, license a suitable number of undertakers who can read and write the English language. Such license shall be issued upon such terms and conditions as the board of health may prescribe, and may be revoked at any time by the board if its terms or conditions or any requirements of law relative thereto have been violated by the undertaker. An undertaker so licensed may act in any town.

1872, 275.
P. S. 32, s. 6.

1897, 437, s. 7.
R. L. 78, s. 44.

200 Mass. 474.

II.

REGULATIONS.

(2)

Conditions of License.

Order, March 11, 1920. All licenses issued or renewed for the conduct of the undertaking business in Boston will be conditioned upon compliance and conformity with the following rules, terms and conditions, and all rules, terms, conditions, regulations, ordinances and statutes now or hereafter in effect, in any way relating to the licensing, control and conduct of undertakers in the City of Boston:

Individuals Only, to be Licensed.

- (1) No license to act as an undertaker will be issued to any association, partnership, or corporation.

Citizens with Boston Establishments Only, to be Licensed.

(2) No license will be issued to any person who is not a citizen of the United States, nor to any person who does not maintain a proper undertaking establishment in the City of Boston.

Only Fit Persons to be Licensed.

(3) No license will be issued to any person who is physically, morally, or by reason of his habits unfit to perform the duties of an undertaker.

Ability to Fill Out Certain Papers Required.

(4) No license will be issued to any person who cannot intelligently and legibly fill out in English such death certificates and other forms as he may be called upon to execute in the course of his business.

Familiarity with Certain Duties Required.

(5) No license will be issued to any person who is not familiar with the precautions to be taken by an undertaker to prevent the spread of communicable diseases, and with the laws, ordinances, and regulations in force in the City of Boston with respect to the custody of dead bodies, the preparation of such bodies for burial, cremation and shipment, and the burial, cremation and shipment thereof.

Pursuing Other Occupations Regulated.

(6) No license will be issued to any person to enable him to operate as an undertaker coincidentally with the pursuit of any other occupation or calling unless it be so specified on the face of the license, and then only in the manner and to the extent so specified.

Maintenance of Established Place of Business.

(7) A license will continue in force only so long as the licensee maintains to the satisfaction of the Health Commissioner the established place of business named in the license, or some other place shown by indorsement by the Health Commissioner on the license. No place will be regarded as a suitable place for the work of an undertaker unless it is so located, constructed, and equipped as to permit the decent and sanitary handling of dead bodies without nuisance or objectionable publicity; nor unless it has adequate provisions for the storage of all equipment and apparatus, and of all stock, used in the business; nor unless it is equipped with running water, with means for obtaining conveniently an adequate supply of hot water, and with sewer connections suitable for the proper disposal of all fluids and discharges from dead bodies, all within the quarters occupied by the undertaker for his business purposes; nor unless it includes adequate sleeping accommodations for such persons as may be required by the licensee to sleep on the premises.

Compliance with Law a Condition of License.

(8) Every license will be conditioned upon compliance and conformity with all laws, ordinances, and regulations applicable to the business of undertakers with the City of Boston; upon compliance and conformity with all conditions and circumstances set forth in these rules, and with such other general terms and conditions as the Health Commissioner may from time to time specify; upon the truthfulness and accuracy of every statement and representation made by the applicant in connection with his application for a license; and upon compliance and conformity with such special terms and conditions as the Health Commissioner may embody in individual licenses.

Revocation.

(9) Every license will be revocable by the Health Commissioner upon satisfactory evidence of neglect or misconduct on the part of the licensee or on the part of any agent or employee acting for him, with respect to the discharge of any duty incident to his employment and calling, or upon satisfactory evidence of violation of any terms or conditions upon which the license was issued.

Restricted Licenses.

(10) Licenses specially limited as to duration, or otherwise restricted in their operation, will be issued upon satisfactory evidence to show that they are necessary to meet some public need or the need of some organized body of people, which cannot be met under full compliance with the terms and conditions prescribed by these rules. Licenses of this class will be issued under such terms and conditions as may be necessary to meet the need set forth and to protect public interest.

Indemnity Clause.

(11) Every licensee shall indemnify and save harmless the City of Boston from any damage it may sustain or be required to pay by reason of the doing by the licensee or agent of the work licensed or permitted, or by reason of any violation of the terms and conditions of his license.

Application, Certificate, etc.

(12) A person desiring to be licensed as an undertaker will make application in his own handwriting to the Health Commissioner and will furnish the following information:

(a.) The full name and business address of the applicant, and his age or an averment that he is twenty-one or more years of age.

(b.) The citizenship and residence of the applicant.

(c.) A description of the training and experience of the applicant, which he relies upon as qualifying him to perform the duties of an undertaker.

(d.) A statement as to whether he has ever before in any place made application for a license, or been licensed, as an undertaker, and, if so, where and when; and whether any such application was rejected or any such license held by him was ever suspended or revoked, and if so, when and for what cause.

(e.) The calling, if any, other than that of an undertaker in which the applicant intends to engage while operating as an undertaker and his reason for desiring to join such calling with the business of an undertaker.

(f.) A definite statement that the physical condition of the applicant and his habits are such as will enable him to perform properly the ordinary duties of an undertaker.

(g.) Evidence to show that applicant is a person of good moral character and free from habits tending to unfit him for the duties of an undertaker as testified by two or more reputable residents of the City of Boston who have been acquainted with the applicant for not less than two years.

(h.) The location, nature, and extent of the quarters the applicant will occupy for the conduct of his business, if and when licensed as an undertaker.

(i.) The nature and extent of the equipment and supplies provided or to be provided by the applicant for the conduct of his business.

(j.) The designation or name under which the undertaking business is to be conducted, if it is not to be conducted in the proper name of the licensee.

The applicant will be required to attach to his application a certificate, sworn to and subscribed by him before a Justice of the Peace or a Notary Public testifying that the statements made by him are true, provided, however,

that applicant for renewal of a license need include in his application only such data as are particularly designated as data to be supplied by applicant of that class.

Time for Making Application.

(13) Every application for a license or for the renewal of a license should be made not less than one month prior to the date when it is desired by the applicant that the license shall take effect.

Construction of Terms.

(14) The word "undertaker" is construed by the Health Commissioner to be synonymous with the phrase "funeral director," and persons styling themselves or operating under the designation "funeral director" or under similar designations will be expected and required to obtain licenses as undertakers.

Act and Policy Provision.

(15) All determinations of act and policy with respect to the execution of these regulations and the licenses of undertakers will be made by the Health Commissioner.

PART IV.—SANITARY INSPECTION.

- Chapter 1. Buildings, limiting number of occupants of certain.
- Chapter 2. Buildings, sanitary requirements of.
- Chapter 3. Buildings erected subsequent to August 1, 1907.
- Chapter 4. Buildings unfit for habitation.
- Chapter 5. Factories and workshops. Business of barbers.
- Chapter 6. Garbage and ashes. Collectors. Receptacles. Dumps.
- Chapter 7. Gasfitting in Boston, Board of Examiners in.
- Chapter 8. Gas fixtures and appliances, Inspection of.
- Chapter 9. Ice.
- Chapter 10. Land which is wet, rotten or spongy or covered with stagnant water.
- Chapter 11. Licenses:
 - A. Basement and cellar rooms occupied for living and sleeping purposes.
 - B. Clams, etc., from contaminated flats, taking for bait.
 - C. Hens, goats and swine. Permits for the keeping of.
 - D. Horses, Business of killing and rendering.
 - E. Manicuring, massage and giving of vapor baths.
 - F. Slaughter houses. Buildings used for melting and rendering establishments and other offensive trades.
 - G. Stables.
- Chapter 12. Lying-in hospitals.
- Chapter 13. Mattresses, etc., Manufacture and sale of.
- Chapter 14. Nuisances, sources of filth and causes of sickness.
- Chapter 15. Passageways and streets. Unoccupied land.
- Chapter 16. Plumbing and sewerage.
- Chapter 17. Public lodging houses.

CHAPTER 1.—BUILDINGS, LIMITING NUMBER OF OCCUPANTS OF CERTAIN.

Sect.

1. Board of health may limit, by vote, the number of occupants of dwellings in Boston. Service of copy of vote. Board may order premises vacated if vote disregarded. Prohibition. Penalty. Board authorized to make further regulations.

Sect.

2. Cubic air space for rooms occupied as sleeping rooms in tenement or lodging houses, regulated.

I.

STATUTES.

(1)

Occupants, Number Limited by Vote. Penalty.

Acts 1907, Ch. 550, SECT. 128. (As amended 1913, 586), Par. 1. The board of health may by vote limit the number of occupants who shall be permitted to dwell in any building or in any part or parts thereof. They shall cause a copy of any such vote to be served upon the owner of the building, his agents, tenant or other persons having the charge thereof. If the owner, agent, tenant or other person having charge of said building allow or permit more people than are permitted by said vote to occupy the building or any part or parts thereof, said board may order the premises vacated, and they shall not again be occupied without the permission of the board, and the owner, agent, tenant or other persons having charge of said building shall forfeit not more than twenty dollars for every day during which he violates such order. The board may make such further regulations as to overcrowding, ventilation, the construction of water-closets, the lighting of hallways, and the occupation of buildings or parts thereof, not inconsistent with other laws, as they may deem proper. Said board may permit rooms in private stables to be occupied for sleeping purposes by grooms and coachmen.

1885, 382, s. 18.

1889, 450, s. 5.

II.

REGULATIONS.

(2)

Cubic Air Space of Sleeping Rooms.

Reg. May 22, 1911. The cubic air space for rooms occupied as sleeping rooms in tenement or lodging houses in Boston shall be as follows:

Rooms occupied by day and night shall have not less than six

hundred cubic feet of air space for each person. Rooms occupied only during the night shall have not less than four hundred cubic feet of air space for each person.

For penalty see (1) above.

References.

2. Sleeping rooms in public lodging houses in Boston to have 400 cubic feet of space for each lodger. Reg. July 29, 1909. (Chapter 17, following).

Rooms in a day nursery, regularly occupied by children to have at least 300 cubic feet of space per inmate. Reg. March 1, 1920. (Part II, Chapter 3 (8).)

CHAPTER 2.—BUILDINGS, SANITARY REQUIREMENTS OF.

Sect.

1. Tenement and lodging houses in Boston. Yards, etc. to be kept clean.
2. Care of premises. Whitewashing, etc. Duties of tenant and of landlord. Janitor.
3. Cases of infectious disease in tenement and lodging houses. Reports required. Inspection thereupon, and disinfection when necessary.
4. Owner to leave his address with Health Commissioner, and post same on premises. Service of notices.
5. Penalty.
6. Requirements for all buildings. Water-closets.
7. Cellars to be protected from dampness.
8. Additional requirements for tenement houses. Definitions.
9. Public halls and stairs in certain tenement houses to be kept lighted during night.
10. Light and ventilation. Rooms in tenement houses to have at least one window with minimum glazed surface of 9 square feet and with exposure upon certain areas. Provision where room does not have required exposure. Alcoves. Prohibition.
11. Skylights in tenement houses. Exemption. Dome lights. Doors leading from halls into apartments to be provided with glass panels in certain cases.
12. Water-closets in existing tenement houses. Woodwork to be removed in certain cases. Floors to be kept in good condition and made water-proof in certain cases. Separate compartments to be ventilated to satisfaction of the

Sect.

- Health Commissioner. At least one water-closet for every nine rooms in every existing tenement house in Boston.
13. Water supply in existing tenement houses. Sinks in the public halls. Woodwork to be removed and space underneath left open. Floors and wall surfaces beneath to be kept in good condition.
14. Yards, etc. in every tenement house to be properly graded, drained, etc. to the satisfaction of the Health Commissioner.
15. Storage of any article dangerous to health forbidden in any building adapted for habitation.
16. Enforcement of act. Owner. Lessee.
17. Certain buildings to be inspected semi-annually under the direction of the Health Commissioner.
18. Right to enter certain buildings.
19. Jurisdiction at law.
20. Penalty.
21. Keeping refuse, etc. except house offal in any building forbidden except with permit from Health Commissioner.
22. Maintaining water-closet in an improper place or unclean condition prohibited.
23. Bringing into or allowing to remain in any dwelling in Boston of rags, etc. forbidden.
24. Keeping oyster shells in any building, yard, etc. within builtup parts of Boston forbidden except in accordance with a permit from the Health Commissioner.
25. Storage of fruit, etc. in any building used as a dwelling, forbidden without a permit from the Health Commissioner.

I.

STATUTES.

(1)

Tenement and Lodging Houses in Boston. Yards, etc., to be Kept Clean.

Acts 1885, Ch. 382. SECT. 13. Every tenement and lodging house, and the yard, court, passage, area and alleys belonging to the same shall be kept clean and free from any accumulation of dirt, filth, garbage or other refuse matter to the satisfaction of the board of health.

1871, 280, s. 43.

For penalty see (5).

(2)

Care of Premises. Duties of Tenant and of Landlord. Janitor. Whitewashing.

Acts 1885, Ch. 382. SECT. 14. (As amended 1889, 450, Sect. 5). The tenant of any lodging house or tenement house shall thoroughly cleanse all the rooms, floors, windows and doors of the house, or part of the house, of which he is the tenant, to the satisfaction of the board of health, and the owner or lessee shall well and sufficiently, to the satisfaction of said board, whitewash or otherwise cleanse the walls and ceilings once at least in every year, in the months of April or May, and have the privies, drains and cesspools kept in good order and the passages and stairs kept clean and in good condition. Whenever there shall be more than eight families living in any tenement house in which the owner thereof does not reside, there shall be, when required by the board of health, a janitor, housekeeper or some other responsible person, satisfactory to said board who shall reside in said house and have the charge thereof.

1871, 280, s. 43.

For penalty see (5).

(3)

Cases of Infectious Disease in Lodging and Tenement Houses. Reports, Inspection Thereupon and Disinfection.

Acts 1885, Ch. 382. SECT. 15. The owner, agent of the owner and keeper of any lodging or tenement house, or part thereof, shall, when any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, agent or keeper, give immediate notice thereof to the board of health, and thereupon said board shall cause the same to be inspected and cleansed or disinfected, at the expense of the owner in such manner as they may deem necessary; and may also cause the blankets, bedding and bed-clothes used by any such sick person to be thoroughly cleansed, scoured and fumigated, and, in extreme cases, to be destroyed.

1871, 280, s. 44.

For penalty see (5).

(4)

Owner's Name to be Given. Service of Notice.

Acts 1885, Ch. 382. SECT. 19. Every owner and agent or person having charge of a tenement or lodging house shall leave his address with the board of health, and shall have legibly posted on the wall or in the entry of such tenement or lodging house the name and address of such owner and of the agent or person having charge of the same; and service upon parties whose address is out of the city of any notices or papers required by the provisions of the preceding sections or any act relating to the preservation of health, or by any proceedings to enforce any of their provisions, shall be sufficient, if made by sending a copy of such paper or notice through the mail to the address of the person or persons so designated as owner, agent or person having charge of such tenement or lodging house; and service upon parties whose address is in the city by leaving a copy at said address.

For penalty see (5) below.

(5)

Penalty.

Acts 1885, Ch. 382. SECT. 22. Any person violating any provisions of the preceding sections of this act (Acts 1885, chap. 382) shall be punished by a fine

not exceeding one hundred dollars, or by confinement in the house of correction not exceeding sixty days.

(6)

Requirements for All Buildings.

Acts 1907, Ch. 550. SECT. 12. (As amended 1912, 369; 1914, 782, s. 2; and 1921, 289.)

Water-Closets.

Par. 10. Every building used for habitation shall have such number of water-closets as the board of health may require; every building where persons are employed shall have at least one water-closet for every twenty persons therein employed, and in any building where both sexes are employed, separate accommodations shall be furnished for men and women. Every enclosure containing one or more water-closets shall be provided with adequate ventilation to the outer air either by window or by suitable light shaft.

For penalty see (20).

(7)

Cellars.

Acts 1907, Ch. 550. SECT. 22. (As amended 1918, 179, Sect. 10), Par. 1. The cellar of every building where the grade or nature of the ground so requires, shall be sufficiently protected from water and damp by a bed at least two inches thick over the whole, of concrete, cement and gravel, tar and gravel, or asphalt, or by bricks laid in cement. No cellar or basement floor of any building shall be constructed below the grade of twelve feet above mean low water, unless such cellar is made water-proof. All metal foundations and all structural metal work underground shall be protected from dampness by concrete, waterproofed where necessary, or by other material approved by the (building) commissioner.

For penalty see (20).

(8)

Additional Requirements for Tenement Houses.*Definitions.*

Acts 1907, Ch. 550. SECT. 42. (As amended 1921, 289, Sect. 5), Clause 1, Par. 1. A tenement house is any house, building, structure or portion thereof, occupied, or adapted for occupation by more than three families living independently of one another and doing their cooking upon the premises, or by more than two families above the first story so living and cooking. A family living in a tenement house may consist of one or more persons.

Clause 6. A public hall is a hall, corridor or passageway not within an apartment.

Clause 7. A stair hall includes the stairs, stair landings, and those parts of the public hall through which it is necessary to pass in going from the entrance floor to the roof.

Clause 8. An apartment is a room, or suite of two or more rooms, occupied or suitable for occupation, as a residence for one family.

(9)

Stairs and Public Halls.

Acts 1907, Ch. 550. SECT. 45. (As amended 1914, 782, Sect. 10; 1915, 352, Sect. 4; and 1921, 476). Par. 5. Public halls and stairs in all tenement

houses now existing or hereafter erected more than three stories in height, and having more than eight suites, shall be provided with proper and sufficient light to be kept lighted during the night.

For penalty see (20).

(10)

Light and Ventilation.

Acts 1907, Ch. 550. SECT. 70. Excepting water-closet compartments and bathrooms wherever a room in any tenement house has a window or windows of less than nine square feet of glazed surface opening on a street, a railroad right of way, cemetery, public park, alley or open passageway not less than ten feet in width, such window or windows shall be enlarged and provided with the above mentioned glazed surface, and wherever such room does not open as above provided, or opens upon an alley or open passageway less than ten feet in width or upon a shaft or upon a court less than six feet in its least dimension, then such room shall be provided with a sash window communicating with another room in the same apartment, having windows of at least the superficial area prescribed for the windows of rooms in tenement houses hereafter erected and opening on a street, a railroad right of way, cemetery, public park or alley or open passageway at least ten feet in width, or on a court or courts at least equivalent to the courts required in sections 58 and 59, and such new sash window shall contain not less than fifteen square feet of glazed surface and shall be made so as to open readily. One wall of every alcove in an existing tenement house shall be provided with an opening equal in area to eighty per cent of the wall. No tenement house shall be so altered as to reduce the provisions for the light and ventilation of any room or alcove or public hall or stair hall below the requirements of this act.

For penalty see (20).

(11)

Skylights in Existing Tenement Houses.

Acts 1907, Ch. 550. SECT. 71. In every existing tenement house there shall be in the roof, directly over each stair well, a ventilating skylight, provided with ridge ventilators and also with fixed or movable louvres or movable sashes. But this section shall not apply to any tenement house now having windows as provided in section sixty-five or a bulkhead in the roof over the main stairs, which bulkhead is provided with windows so as to open readily, and with not less than twelve square feet of glass in the top of the bulkhead. All skylights hereafter placed in any tenement house shall conform to the provisions of section sixty-six. All the existing dome lights or other obstructions to skylight ventilation shall be removed.

Where the public hall in an existing tenement house is not provided with windows opening as provided in section sixty-five, and where there is not a stair well as provided in section sixty-six, all doors leading from such public hall into apartments shall be provided with translucent glass panels of an area of not less than four square feet for each door; or such public hall may be lighted by a window or windows at the end thereof with the plane of the window at right angles to the axis of the hall, said window opening upon the street, a railroad right of way, cemetery, public park, or an alley or open passageway at least ten feet in width, or upon a yard or court of the dimensions hereinbefore provided.

For penalty see (20).

(12)

Water-Closets in Existing Tenement Houses.

Acts 1907, Ch. 550. SECT. 72. In existing tenement houses the woodwork inclosing the space underneath the seat of all water-closets used in common by two or more families shall be removed and such space shall be left open. The floor or other surface beneath and around such closet shall be maintained in good order and repair, and the floors made waterproof to the satisfaction of the board of health. Every such water-closet shall be located in a compartment completely separated from every other water-closet, and such compartment shall be ventilated to the satisfaction of the board of health. There shall be provided at least one water-closet for every nine rooms in every existing tenement house.

For penalty see (20).

See Acts 1907, ch. 550, s. 69 prohibiting the maintenance of a water-closet in the cellar of any tenement house without a permit from the Health Commissioner.

(13)

Water Supply in Existing Tenement Houses.

Acts 1907, Ch. 550. SECT. 73, Par. 2. Every existing tenement house shall have water furnished in sufficient quantity at one or more places on each floor occupied by or suitable to be occupied by one or more families. The owner shall provide proper and suitable tanks, pumps, or other appliances to receive and to distribute a sufficient supply of water at each floor in the said house at all times of the year, during all hours of the day and night.

Sinks in Public Halls.

Par. 3. The woodwork inclosing sinks located in the public halls or stairs shall be removed, and the space underneath the sinks shall be left open. The floors and wall surfaces beneath and around the sink shall be maintained in good order and repair.

For penalty see (20).

(14)

Drainage of Courts and Yards in Tenement Houses.

Acts 1907, Ch. 550. SECT. 74. In every tenement house all courts, areas, intakes and yards shall be properly graded, drained and paved or otherwise surfaced to the satisfaction of the board of health.

For penalty see (20).

(15)

Storage of Articles Detrimental to Health.

Acts 1907, Ch. 550. SECT. 126. (As affected by 1914, 795, sects. 6, 7. G. L., 148, sect. 33. Fire Prevention Act.) No building adapted for habitation, nor any part thereof, nor of the lot upon which it is located, shall be used as a place for the storage, keeping or handling of any article dangerous or detrimental to life or health, nor for the storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers or rags.

1885, 382, s. 12.

For penalty see (20).

(16)

Enforcement of Act. Owner. Lessee.

Acts 1907, Ch. 550. SECT. 127. Every structure and part thereof and appurtenant thereto shall be maintained in such repair as not to be dangerous.

The owner shall be responsible for the maintenance of all buildings and structures. The lessee under a recorded lease shall be deemed the owner under the provisions of this act.

(17)

Certain Buildings to be Inspected Semiannually.

Acts 1907, Ch. 550. SECT. 128. (As amended 1913, 586, sect. 1), Par. 3. Every building used for habitation by more than two families and every lodging house shall be carefully inspected at least twice a year under the direction of the board of health, and whenever said board has made an order concerning such a building a reinspection shall be made within ten days after the board has been informed the order has been complied with.

1871, 280, s. 50.

(18)

Right to Enter Certain Buildings.

Acts 1907, Ch. 550. SECT. 129, Par. 10. Any person having any duty to perform under the provisions of this act (Acts 1907, Ch. 550) may, so far as may be necessary for the performance of his duties, enter any building or premises in the city of Boston.

1871, 280, s. 44.

1885, 382, s. 20.

(19)

Jurisdiction at Law.

Acts 1907, Ch. 550. SECT. 130. The municipal court of the city of Boston, concurrently with the superior court, shall have jurisdiction throughout the city of prosecutions and proceedings at law under the provisions of this act (Acts 1907, Ch. 550), and also of all provisions of law relative to plumbing and gas-fitting.

(20)

Penalty.

Acts 1907, Ch. 550. SECT. 132. (As amended 1913, 586, sect. 2.) Par. 2. Whoever violates any provision of this act (Acts 1907, Ch. 550), or whoever builds, alters, or maintains any structure or any part thereof in violation of any provision of this act, shall be punished by a fine not exceeding five hundred dollars, except as hereinbefore provided.

II.

ORDINANCES.

(21)

Keeping Refuse in Buildings.

R. O. 1914, Ch. 40. SECT. 10. No person shall place or keep any refuse or noxious or decaying liquid or solid matter, except house-offal, in any building or in any waters or on any land, except in accordance with a permit from the board of health.

For penalty see R. O. 1914, chap. 40, s. 92.

(22)

Maintaining Water-closets, etc., in an Unwholesome Place or Condition, Forbidden.

Same. SECT. 12. No person shall maintain a water-closet, vault or privy in an unwholesome, unclean or improper place or condition.

For penalty see R. O. 1914, c. 40, s. 92.

III.

REGULATIONS.

(23)

Bringing into or Allowing to Remain in any Dwelling in Boston of Rags, etc., Forbidden.

Reg. Jan. 12, 1885. (As amended Feb. 28, 1899, and further amended Jan. 21, 1901.) *Whereas*, It is a practice in this city to collect rags, old paper, junk and other refuse material, from dumping grounds, streets and other places, and to store, sort and otherwise handle the same within dwellings: and

Whereas, In the opinion of this Board, such rags, old paper, junk and other refuse material are a source of filth, and capable of conveying infectious diseases from person to person, and of otherwise creating sickness; therefore

Ordered, That no rags, old paper, junk or other refuse material gathered or recovered from any source, shall be brought into or allowed to remain within any building used as a dwelling.

For penalty see G. L., c. 111, s. 122 [see (1) of chapter 15 following].

(24)

Keeping Oyster Shells in any Building, Yard, etc., Within Built-up Parts of Boston Forbidden Without Permit from Health Commissioner.

Reg. Oct. 17, 1892. *Whereas*, The storing or handling of oyster shells near business and residential districts are attended by noisome and injurious odors, it is hereby

Ordered, That no oyster shells shall be kept in or removed from any building, yard or other place within the built-up portions of the city of Boston, except by written permission of the Board of Health, and only at such times and in such manner as shall be prescribed in said permit.

For penalty see G. L., c. 111, s. 122 [see (1) of chapter 14, Part IV].

(25)

Storing Fruit, etc., in Dwellings Forbidden Without a Permit from Health Commissioner.

Reg. Aug. 3, 1893. No person shall store or keep, or allow to be stored or kept in any building of which he is the owner or occupant, and which is in use in whole or in part as a dwelling house, any fruit or merchandise, except in accordance with a written permit from the Board of Health. [See Part V, Chapter 16 (20) for entire regulation.]

For penalty see G. L., c. 111, s. 122 [sec (1) of chapter 14, Part IV].

References.

Sect. (6.) All buildings shall have rainwater leaders sufficient to discharge the roof water so as not to flow upon any public way or any neighboring property. Acts 1907, c. 550, s. 12.

Every chimney flue shall be carried to a height sufficient to protect adjoining buildings from smoke. Same.

Water pipes in every building shall be properly protected from frost. Same.

Sect. (7.) No water-closet shall be maintained in the cellar of any tenement house without a permit from the Health Commissioner. Same, section 69.

Cellars of all buildings erected subsequent to 1918 within the building limits, shall be made rat-proof. Same, section 22.

No building operations shall be permitted which create unnecessary permanent spaces where rats may breed. Same, section 32.

Sect. (10.) Every ventilating flue shall be constructed of, or lined with incombustible material. Same, section 12.

All light and ventilating shafts or other air ducts shall be constructed of fireproof material, and carried at least three feet above the adjoining roof and there covered with a skylight providing opening of total area equal to the area of the shaft. Same, section 38 (as amended 1914, 782, s. 6 and 1921, 289, s. 4).

All vent shafts in all tenement houses more than three stories in height, and having more than eight suites, shall be inclosed in the basement in masonry walls. Same, section 45 (as amended 1914, 782, s. 10; 1915, 352, s. 4 and 1921, 476).

Relative to the alteration of existing buildings, every living room in any building adapted for habitation shall have a window in the open air of an area not less than ten square feet and in a three story building not less than six feet from any opposite wall, etc. Exemption. Same, section 35 (as amended 1921, 289, s. 3).

Sect. (13.) The Metropolitan District Commissioner shall produce sufficient supply of pure water for the following towns and the inhabitants thereof . . . Boston; . . . and shall secure and protect the purity of said water. Gen. L., c. 92, s. 10.

The State Department of Public Health shall make rules and regulations for the sanitary protection of such waters. Same, section 17.

The commissioner of public works in Boston shall take all measures necessary to protect and preserve the purity of the water. R. O. 1914, c. 28, s. 22.

Water takers shall keep service pipes in good repair and protected from frost and not allow the water to leak away or run to waste. Same, section 28.

Sect. (15.) No bakery nor place of business where fat is boiled shall be maintained in any tenement house which is not fireproof throughout, unless the ceiling and sidewalls are made safe by fireproof materials around the same, and there shall be no openings either by door or window, dumb-waiter shafts or otherwise, between bakery and other parts of building. Acts 1907, c. 550, s. 43.

Any article placed upon a fire escape, etc., shall be deemed a common nuisance and a warrant may be issued to bring such article before the court. Penalty for permitting such article to remain upon fire escape. Gen. L., c. 143, s. 22.

Every stairway of every building shall be kept unobstructed. Penalty. Same, section 23.

Every inspector acting under the provisions of chapter 382 of the Acts of 1885 relating to the preservation of health in buildings of the City of Boston, shall, before entering upon the performance of his official duties, take and subscribe an oath to the faithful discharge of his duties, before the city clerk. Acts 1885, c. 382, s. 23.

Sect. (24.) Bringing or allowing to remain within any building used as a dwelling, rags, old paper, junk or other refuse material, forbidden. Reg. Jan. 21, 1901.

NOTE.—See note on *Law relating to furnishing of heat, etc., to buildings*, printed as a reference at end of Chapter 14, following.

CHAPTER 3.—BUILDINGS ERECTED SUBSEQUENT TO AUGUST 1, 1907.

Sect.	Sect.
1. Dimensions of kitchens and other rooms used for cooking purposes. Lighting and ventilation.	18. Intakes. Horizontal, in inner courts. Not to prohibit windows in walls that cut off angles; proviso.
2. Vent shaft defined.	19. Buildings on the same lot with tenement houses.
3. Certain cellars to be made ratproof.	20. Rooms, lighting and ventilation of. Windows. Alcoves.
4. Building operations not to create rat refuges.	21. Rooms, size of. Alcoves not allowed.
5. Alteration of existing buildings. Exposure required.	22. Lighting of public halls. Windows. Separate hall defined.
6. Windows in living room.	23. Windows for stair halls, size of. Skylight over stair well.
7. Shafts. Fireproof construction.	24. Water closets, privacy of.
8. Fire escapes. Enclosed stairway. Iron balconies. Exterior fire escapes. Balconies.	25. Water closets.
9. Bulkheads and scuttles. In first or second class construction. In every other tenement house.	(a) In each apartment.
10. Main staircase. Balusters. Halls. Halls and stairs to be lighted. Shafts.	(b) General description.
11. Vent shafts.	(c) Windows, size and location.
12. Light and ventilation. Yards. Corner lots. Behind corner lots. Through lots. Yards not fronting on street, etc. Yards behind tenement houses.	(d) Exception as to general toilet-room, supplemental to water-closets otherwise legally required.
13. Yards, cases in which not required.	(e) Exception as to replacement of defective fixtures.
14. Courts, not to be roofed over.	(f) Cellar water-closets; permit required; rules and regulations of board of health.
15. Outer courts. Located on lot line. Between wings or ells. Windows opening on.	(g) Lighting at night. Fixtures. Door glass panels.
16. Inner courts. Located on lot line. Inclosed on all four sides.	(h) Floors of waterproof materials.
17. Vent courts. Area; least dimension.	(i) Drip trays.
	(j) Fixtures not to be inclosed.
	26. Water supply. Sink in each apartment. Sinks in public halls.

STATUTES.

(1)

Dimensions of Kitchens and Other Rooms Used for Cooking Purposes. Lighting and Ventilation.

Acts 1907, Ch. 550. **SECT. 12.** (As amended by Acts 1921, ch. 289, Sect. 1.) Par. 15. . . . Every kitchen, kitchenette, or room used or adapted to be used for cooking purposes either by coal, electric, gas or oil stoves, in every building hereafter erected, remodelled or enlarged, shall be not less than six feet in the least dimensions and have a floor area of not less than forty-eight square feet. Every such kitchen, kitchenette, or room to be used or adapted to be used for cooking purposes shall be lighted and ventilated by window openings in an external wall direct to the open air, or if such kitchen, kitchenette or room is of not more than seventy square feet in area upon a vent shaft, as defined in section forty-two, and any acts amending or affecting the same, with no opening from any toilet room into said vent shaft, and such window openings shall equal in size in the aggregate at least one eighth of the area of the floor of such room. . . .

(2)

Vent Shaft Defined.

Acts 1907, Ch. 550. SECT. 42. (As amended by Acts 1921, ch. 289, Sect. 5.) Clause 5. A vent shaft is a shaft used solely to ventilate or light water-closet compartments, bathrooms, or kitchenettes.

(3)

Certain Cellars to Be Made Ratproof.

Acts 1907, Ch. 550. SECT. 22. (As amended by Special Acts 1918, ch. 179, Sect. 10.) Par. 2. *Rat-proofing*. The cellar of every building hereafter erected (erected subsequent to June 28, 1918) within the building limits shall be made rat-proof by the use of masonry or metal. All openings in foundations, cellars and basements in such buildings, except for doors and hatchways, and except also for such windows wholly above ground as may be exempted by the commissioner in his discretion, shall be completely covered with screens of metal having meshes of not more than one half of an inch in least dimension and constructed of rods or wire of not less than twenty gauge.

(4)

Building Operations Not to Create Rat Refuges.

Acts 1907, Ch. 550. SECT. 32. (As amended by Special Acts 1918, ch. 179, Sect. 13.) Par. 23. No building operations shall be permitted which will create unnecessary permanent spaces where rats will find refuge from their enemies and breed.

(5)

Alteration of Existing Buildings.

Acts 1907, Ch. 550. SECT. 35. (As amended by Acts 1921, ch. 289, Sect. 3.) Par. 5. *Exposure required*. Every such building, so altered, remodelled or enlarged, shall have, in addition to the exposure on the widest street, an exposure as long as the average width of the building, upon a space open from the ground to the sky, at least ten feet wide for the first three stories, and increasing in width five feet for the next two stories. If the proposed building is more than five stories in height, said space shall be twenty feet; provided, that if the basement and first story are adapted or enlarged for use for mercantile purposes, the exposure required by this section shall not apply to that part of the building; and provided, also, that sufficient space be retained on the lot for the storage of ashes or garbage.

Par. 6. Such exposure may be either upon private or public ways, or upon land which is dedicated for the use of the building, and may be divided and placed as approved by the building commissioner.

Par. 7. These spaces shall remain undiminished so long as the building is used for habitation.

Par. 8. If the building is situated on the corner of streets or private ways not less than ten feet wide the commissioner may approve the omission of the whole or part of this additional exposure.

(6)

Windows in Living Room.

Acts 1907, Ch. 550. SECT. 35. Par. 10. Every living room in a building adapted for habitation shall have a window on the open air of an area not less

than ten square feet and distant in a three-story building not less than six feet from any opposite wall; distant in a four-story building not less than eight feet from any opposite wall; distant in a five-story building not less than ten feet from any opposite wall. This shall not apply to the construction of third class buildings, except the provision for a window on the open air of an area.

Par. 11. The exposure required under this section shall apply to all buildings hereafter constructed adapted for habitation, except as is otherwise provided for tenement houses.

(7)

Shafts.

Acts 1907, Ch. 550. SECT. 38. (As amended by Acts 1921, ch. 289, Sect. 4.) Par. 1. Elevators and hoists for freight which do not run above the first story may be constructed without fireproof inclosures. Freight and passenger elevators may be placed in areas or hallways where the same are continuous and unbroken, such elevators to be protected by metal grille. Except as above provided, all shafts for elevators, hoists, dumb-waiters, lifts, light and ventilating shafts or other air ducts shall be constructed of fireproof material. The tops of all such shafts shall be covered with fireproof material unless the shaft extends above the upper floor of the building, and in that case the shaft shall be carried at least three feet above the roof and shall be covered with a skylight. Such shafts, if for freight or passenger elevators shall be of brick at least eight inches thick, or of metal covered on both sides with at least one inch of plaster applies immediately to the metal, or with some other equally substantial fireproof material.

(8)

Fire Escapes.

Acts 1907, Ch. 550. SECT. 43. (As amended by Acts 1914, ch. 782, Sect. 9. (1.) In all tenement houses hereafter erected more than three stories in height, and in every building hereafter enlarged and occupied or to be occupied as a tenement house, more than three stories in height, there shall be provided one of the following means of egress in addition to the main and rear staircases; but if the first named means of egress is provided it may be considered as a rear staircase and no means of egress other than this and the main staircase need be provided.

(2.) *An enclosed stairway* consisting of iron or reinforced concrete stairs, and stair landings, each not less than three feet in width in the clear, surmounted by a penthouse not less than eight feet high. The stairway shall extend from the roof to the level of the ground, and shall open into either a street or passageway leading to a street; the said stairway shall be lighted to the satisfaction of the building commissioner and inclosed in walls of brick, stone, terra cotta or concrete, and said walls may be within or without the line of the main wall of the building, but access to said stairway shall be only by doors through an external wall to balconies leading to the same, except at the roof where access to said stairway may be directly from the roof.

(3.) *Iron balconies* connecting with adjoining buildings or with adjoining parts of the same house separated from each other by a brick, terra cotta or concrete partition wall in which there are no openings except such as are protected with fireproof self-closing doors, and every suite above the first floor, shall have direct access to at least two means of egress, one of which shall be an inclosed

stairway. The said balconies shall be not less than thirty inches wide and capable of sustaining a load of seventy pounds per square foot; railings shall be of iron, stone, terra cotta or concrete, and three feet high, or higher if in the opinion of the commissioner a greater height is required for safety.

(4.) *Exterior fire escapes* of iron with iron grated floors, and capable of bearing a load of seventy pounds per square foot. The stair treads shall be of iron, and the pitch of the stairs shall not exceed sixty degrees.

(5.) *Balconies* shall be at least three feet four inches wide, and the stairs at least twenty inches wide. There shall be a landing at the foot of each flight, and at the level of the second floor there shall be cantilever ladders. The rails on all horizontal balconies and on the stairs shall be at least two feet ten inches high at all points.

(9)

Bulkheads and Scuttles.

Acts 1907, Ch. 550. SECT. 44. (1.) *In first or second class construction.* Every tenement house of the first or second class hereafter erected shall have in the roof a fireproof bulkhead with a fireproof door to the same, and shall have fireproof stairs with a guide or hand rail leading to the roof, except that in such tenement houses which do not exceed sixty-five feet in height, such bulkheads may be of wood covered with metal on the outside and plastered on metal lathing on the inside; provided that the door shall be covered with metal on both sides.

(2.) *In every other tenement house.* Every other tenement house shall have in the roof a bulkhead or scuttle. No scuttle shall be less in size than two feet by three feet, and all scuttles shall be covered on the outside with metal, and shall be provided with stairs or stationary ladders leading thereto and easily accessible to all tenants of the building, and kept free from encumbrance, and all scuttles, and ladders shall be kept so as to be ready for use at all times. No scuttle shall be situated in a closet or room, but all scuttles shall be in the ceiling of the public hall on the top floor, and access through the scuttle to the roof shall be direct and uninterrupted. Scuttles shall be hinged so as to readily open. Every bulkhead hereafter constructed in a tenement house shall be constructed as provided for tenement houses hereafter erected and shall have stairs with a guide or hand rail leading to the roof, and such stairs shall be kept free from encumbrance at all times. No lock shall be placed on any scuttle or bulkhead door, but either may be fastened on the inside by movable bolts or hooks. All key-locks on scuttles and on bulkhead doors shall be removed. No stairway leading to the roof in a tenement house shall be removed.

(10)

Main Staircase.

Acts 1907, Ch. 550. SECT. 45. Every tenement house hereafter erected shall have a main staircase of fireproof material, extending from the entrance floor to the roof, and with a penthouse constructed of incombustible material. The said staircase shall not extend below the entrance floor level and shall be inclosed in brick, terra cotta or concrete walls, or by two-inch solid metal and plaster partitions. All door openings into suites shall have metal-covered self-closing doors and metal-covered frames. Public halls therein shall each be at least three feet wide in the clear, and stairs shall be at least three feet wide between the wall and the stair rail.

(2.) *Balusters. Rails.* In every tenement house all stairways shall be provided with proper balusters and railings kept in good repair. No public hall or stairs in a tenement house shall be reduced in width so as to be less than the minimum width prescribed in this section.

(3.) *Halls and stairs to be lighted.* Public halls and stairs in all tenement houses now existing or hereafter erected more than three stories in height, and having more than eight suites, shall be provided with proper and sufficient light to be kept lighted during the night.

(4.) *Shafts.* In every existing tenement house which is more than three stories in height, and having more than eight suites, and in every such tenement house hereafter erected all elevators, vent and dumb-waiter shafts, shall be inclosed in the basement in masonry walls not less than eight inches thick, or with two-inch solid metal and plaster partitions, with a fireproofing self-closing door; . . . (1914, c. 782, sect. 10; 1915, c. 352, sect. 4, Special Act.)

(11)

Vent Shafts.

Acts 1907, Ch. 550. SECT. 52 . . . Every vent shaft hereafter constructed in any tenement house shall have an intake of at least the dimensions provided for vent courts in section sixty-one, and shall be of the same minimum dimensions; and the skylight covering such vent shaft shall be raised at all points at least one foot above the top of the walls of such vent shaft, and the space between the top of said walls and the skylight shall remain at all points open and unobstructed except for such supports essential to the stability of the skylight, as may be approved by the commissioner.

(12)

Light and Ventilation.

Acts 1907, Ch. 550. SECT. 55. *Yards.* (1.) The requirements for yards hereinafter provided shall be deemed sufficient for all tenement houses.

Except in those cases hereinafter provided for, there shall be, behind every tenement house hereafter erected, a yard extending across the entire width of the lot, and at every point open from the ground to the sky unobstructed, except by fire-escapes or uninclosed outside stairs.

The depth of said yard shall be measured from the extreme rear wall of the house to the rear line of the lot, and at right angles to said line, except that where there is no alley or open passageway in the rear of the lot the depth of the yard may be measured to the middle of said alley or open passageway. On an irregular lot of several depths, where there is more than one rear line to the lot, such yard may extend across the entire width of the lot in sections, provided that each section of the yard is in every part and at every point of the minimum depth hereinafter prescribed. Where the side lines of a lot converge toward the rear, the depth of the yard shall be such as to give it an area equal to the greatest width of the yard multiplied by the depth hereinafter prescribed.

(2.) *Corner lots.* Except on a corner lot, the depth of the yard behind every tenement house hereafter erected fifty feet in height or less shall be not less than twelve feet in every part. All yards without exception shall be increased in depth at least one foot for every additional ten feet of height of the building, or fraction thereof, above fifty feet.

(3.) *Behind corner lots.* Except as hereinafter otherwise provided, the depth of the yard behind every tenement house hereafter erected upon a corner lot shall not be less than six feet in every part. But where such corner lot is more than twenty-five feet in width, the depth of the yard for that portion in excess of twenty-five feet shall be not less than twelve feet in every part and shall increase in depth as above provided.

(4.) *Through lots.* Whenever a tenement house is hereafter erected upon a lot which runs through from street to street, or from a street to an alley or open passageway, and said lot is one hundred and fifty feet or more in depth, said yard space shall be left midway between the two streets, and shall extend across the entire width of the lot, and shall be not less than twenty-four feet in depth from wall to wall and shall be increased in depth at least two feet for every additional ten feet in height of the building, or fraction thereof, above fifty feet.

(5.) *Yards not fronting on street, etc.* When a tenement house hereafter erected does not front upon a street, a public alley, or a passageway, not less than fifteen feet wide, the requirements in this section as to yards shall apply to the front of such tenement house as well as to the rear. Neither the yard behind one tenement house nor any part thereof shall be deemed to satisfy in whole or in part the requirement of a yard in front of another tenement house.

(13)

Yards. Cases in Which Not Required.

Acts, 1907, Ch. 550. SECT. 55. (1.) *No yard* shall be required behind a tenement house hereafter erected upon a lot which abuts at the rear upon a railroad right of way, a cemetery or a public park.

(2.) *No yard* shall be required behind a tenement house hereafter erected upon a lot entirely surrounded by streets or by streets, alleys or open passageways, not less than fifteen feet in width, or by such streets, alleys, and passageways and a railroad right of way, a cemetery or a public park.

(3.) *No yard* shall be required behind a tenement house hereafter erected upon a lot less than one hundred and fifty feet deep and running through from street to street or from a street to an alley or open passageway not less than fifteen feet in width, or upon a corner lot adjoining a lot less than one hundred and fifty feet deep and running through from street to street, or from a street to such an alley or open passageway.

(4.) *No yard* shall be required behind a tenement house hereafter erected upon a corner lot adjoining a lot more than one hundred and fifty feet deep and running through from street to street or from a street to an alley or open passageway not less than fifteen feet in width; but if there be no yard, an outer court upon such corner lot shall extend from the street along the line of such adjoining lot to a point in line with the middle line of the block; the width of said court to be not less than the width of court prescribed in the ensuing paragraph.

(5.) *No yard* shall be required behind a tenement house hereafter erected upon a corner lot adjoining two or more lots any one of which bounds upon a single street, or alley, or open passageway not less than fifteen feet in width; but if there be no yard an outer court upon such corner lot shall extend from the street, or from such alley or open passageway along a lot line either to the extreme rear of an adjoining lot or to the extreme rear of said corner lot; *provided*, that the width of said court measured from the lot line to the opposite wall of the building, for tenement houses fifty feet or less in height, shall be not

less than six feet in every part, and for every additional ten feet of height of the tenement house shall be increased one foot throughout the whole length of said court.

(14)

Courts.

Acts 1907, Ch. 550. SECT. 57. *Tenement houses hereafter erected not to be roofed over.* No court of a tenement house hereafter erected shall be covered by a roof or skylight, but every such court shall be at every point open to the sky unobstructed. Except such courts as are provided for in section fifty-six, all courts, except for fire-escapes, may start at the second tier of beams.

(15)

Outer Courts.

Acts 1907, Ch. 550. SECT. 58. (1.) *Tenement houses hereafter erected on lot line.* The provisions of this section shall apply only to tenement houses hereafter erected. Where one side of an outercourt is located on the lot line, the width of the said court, measured from the lot line to the opposite wall of the building, for tenement houses fifty feet or less in height shall not be less than six feet in every part and for every ten feet of increase or fraction thereof in height of such tenement houses, such width shall be increased one foot throughout the whole length of the court, and except where the court runs through from the yard to the street, said width shall never be less than one eighth of the length of the court.

(2.) *Between Wings or Ells.* Where an outer court is located between wings or parts of the same building, or between different buildings on the same lot, the width of the court, measured from wall to wall, for tenement houses fifty feet or less in height shall be not less than twelve feet in every part, and for every ten feet of increase or fraction thereof in the height of the said building, such width shall be increased two feet throughout the whole length of the court. The depth of such courts shall never exceed four times their width.

(3.) *Windows opening on.* Wherever an outer court changes its initial horizontal direction, or wherever any part of such court extends in a direction so as not to receive direct light from the street or yard, or from an alley, or open passageway not less than fifteen feet in width, the length of that part of the court shall never exceed its width, such length to be measured from the point at which the change of direction begins. Wherever an outer court between parts of the same building is twelve feet or less in depth, its width may be one half its depth, provided that such width is never less than four feet in the clear. This exception shall also apply to every offset or recess in outer courts. And no window except windows of water-closet compartments, bathrooms, or halls shall open upon any offset or recess less than four feet in width.

(16)

Inner Courts.

Acts 1907, Ch. 550. SECT. 59. *Tenement houses hereafter erected; width; area.* The provisions of this section shall apply only to tenement houses hereafter erected. Where one side of an inner court is located on the lot line and the building does not exceed fifty feet in height, the least width of the court shall be not less than eight feet, and the area of the court shall be not less than one hundred and twenty-eight square feet. For every ten feet, or fraction

thereof, of increase in the height of the building above fifty feet the minimum width of such inner courts shall be increased by one foot, and the area thereof shall never be less than twice the square of such minimum width. Where an inner court is not located on the lot line but is inclosed on all four sides, and the building does not exceed fifty feet in height, the least width of said court shall be not less than sixteen feet and the area not less than two hundred and fifty-six square feet. For every ten feet, or fraction thereof, of increase in the height of said building above fifty feet, the minimum width of such inner courts shall be increased by two feet, and the area of the court shall never be less than the square of such minimum dimension.

(17)

Vent Courts.

Acts 1907, Ch. 550. SECT. 60. *Area: Least dimension.* Inner courts used solely for the lighting and ventilation of water-closets, bathrooms, public halls, or stair halls, or for interior fire escapes, may be constructed in any tenement house, and shall be not less than fifteen square feet in area, nor less than three feet the least horizontal dimension for buildings fifty feet or less in height. For every increase of ten feet or fraction thereof in the height of such buildings the least dimension shall be increased by one foot, and the area by not less than eight square feet.

(18)

Intakes.

Acts 1907, Ch. 550. SECT. 61. (1.) *Every inner court in a tenement house hereafter erected* shall be provided with one or more horizontal intakes at the bottom. Such intakes in vent courts shall be not less than four square feet in area, so arranged as to be easily cleaned; in other inner courts they shall be not less than three feet wide and seven feet high, and there shall be at least two open grille doors, containing not less than fifteen square feet of unobstructed openings, one at the inner court and the other at the street or yard as the case may be.

(2.) Nothing contained in the foregoing sections concerning outer and inner courts shall be construed as prohibiting windows in walls that cut off the angles of such courts, provided that the running length of the walls containing such windows does not exceed six feet.

(19)

Buildings on the Same Lot With Tenement Houses.

Acts 1907, Ch. 550. SECT. 62. No tenement house shall hereafter be so enlarged or its lot so diminished, and no building of any kind shall be hereafter so placed upon the same lot with a tenement house, as to decrease the minimum depth of yards or the minimum size of courts or yards prescribed in this act for tenement houses hereafter erected.

(20)

Rooms, Lighting and Ventilation of

Acts 1907, Ch. 550. SECT. 63. (1.) *Windows.* In every tenement house hereafter erected there shall be in each room, except water-closet compartments and bathrooms, windows of a total area of at least one eighth of the floor area of the room, opening directly on a street or public alley or open passageway not less than fifteen feet wide or upon a yard or court of the dimensions hereinbefore

specified, or upon a railroad right of way, cemetery or public park; and such windows shall be located so as properly to light all parts of the room. The top of at least one window shall be not less than eight feet above the floor, and the upper half of it shall be made so as to open the full width.

(2.) *Alcoves.* Every alcove in every tenement house hereafter erected shall be provided with an opening into a room, such opening to be equal in area to eighty per cent of that side of the alcove in which the opening is located; and the alcove shall have at least one window of not less than fifteen square feet of glazed surface opening as provided in this section.

(21)

Rooms, Size of.

Acts 1907, Ch. 550. SECT. 64. (As amended by Acts 1921, Ch. 289, Sect. 14.) (1.) In every tenement house hereafter erected all rooms, except water-closet compartments and bathrooms, shall be of the following minimum sizes: In each apartment there shall be at least one room containing not less than one hundred and twenty square feet of floor area and provided with a chimney flue and thimble, except where said room is furnished with heat from a central heating apparatus, and every other room shall contain at least ninety square feet of floor area. Each room shall be in every part not less than eight and one half feet high from the finished floor to the finished ceiling; provided that only one half of an attic room need be eight and one half feet high.

(2.) *Alcove not allowed.* No portion of a room in any such tenement house shall be partitioned off so as to form a room not conforming to the provisions of sections sixty-three and sixty-four, or so as to form an alcove not conforming to sections sixty-three and seventy.

(22)

Lighting of Public Halls.

Acts 1907, Ch. 550. SECT. 65. (1.) *Windows.* Except as otherwise provided in section sixty-six, in every tenement house hereafter erected every public hall shall have at least one window opening directly upon a street, a public alley or open passageway not less than ten feet in width, a railroad right of way, a cemetery or a public park, or upon a yard or court or a vent court as provided in section sixty. Either such window shall be at the end of said hall, with the plane of the window substantially at right angles to the axis of the hall, or there shall be at least one window opening as above prescribed in every twenty feet in length or fraction thereof of the hall; but this provision for one window in every twenty feet of hallway shall not apply to that part of the entrance hall between the entrance and the first flight of stairs, provided that the entrance door contains not less than five square feet of glazed surface. At least one of the windows provided to light each public hall shall be at least two feet six inches wide and five feet high, measured between the stop beads.

(2.) *Separate hall defined.* Any part of a hall which is shut off from any other part of said hall by a door or doors shall be deemed a separate hall within the meaning of this section.

(23)

Windows for Stair Halls, Size of.

Acts 1907, Ch. 550. SECT. 66. (1.) In every tenement house hereafter erected the aggregate area of windows to light or ventilate stair halls on each

floor shall be at least fifteen square feet: *provided, however*, that when there shall be, within the space enclosed by the stairway and its landings, from the second story upward, an open area for light and ventilation whose least horizontal dimension shall be equal to the width of the stairs, but in no case less than three feet, then the windows required in sections sixty-five and sixty-six may be omitted.

(2.) *Skylight over stair well.* There shall be in the roof, directly over each stair well, in all tenement houses hereafter erected, without windows as above provided, a ventilating skylight provided with ridge ventilators, having a minimum opening of forty square inches, or else such skylights shall be provided with fixed or movable louvres. The glazed roof of the skylight shall not be less than twenty square feet in area.

(24)

Water Closets, Privacy.

Acts 1907, Ch. 550. SECT. 67. In every apartment of four or more rooms in a tenement house hereafter erected, at least one water-closet compartment shall be accessible without passing through any bedroom.

(25)

Water Closets.

Acts 1907, Ch. 550. SECT. 69. (As amended by Acts 1922, Ch. 61.) (a.) *In each apartment.* In every tenement house hereafter erected there shall be a separate water-closet in a separate compartment within each apartment.

(b.) *General description.* Every such water-closet shall be placed in a compartment completely separated from every other water-closet, and such compartment shall be not less than two feet and four inches wide, and shall be inclosed with plastered partitions, or some equally substantial material, which shall extend to the ceiling.

(c.) *Windows, size and location.* Such compartment shall have a window, opening directly, or through a straight horizontal shaft of the same dimensions as the window and not more than four feet long, upon a street, a railroad right of way, cemetery or public park or a yard or alley or open passageway not less than four feet wide, or upon a court vent or upon a covered passageway not more than twenty feet long and at least twenty feet wide, and twenty feet high. Every such window shall be at least one foot by three feet between stop beads; and the whole window shall be made so as to open readily. When, however, such water-closet compartment is located on the top floor and is lighted and ventilated by a skylight over it, no window shall be necessary, provided, that the roof of such skylight contains at least three square feet of glazed surface and is arranged so as to open readily.

(d.) *Exception as to general toilet room, supplemental to water-closets otherwise legally required.* Nothing in this section in regard to the separation of water-closet compartments from each other shall apply to a general toilet room containing several water-closets, hereafter placed in a tenement house, provided that such water-closets are supplemental to the water-closet accommodations required by a law for the use of the tenants of the said house.

(e.) *Exception as to replacement of defective fixtures.* Nothing in this section

in regard to the ventilation of water-closet compartment shall apply to a water-closet hereafter placed in an existing tenement house, to replace defective fixtures in the same position and location.

(f.) *Cellar water-closets; permit required; rules and regulations of board of health.* No water-closet shall be maintained in the cellar of any tenement house without a permit in writing from the board of health; and said board shall have power to make rules and regulations governing the maintenance of such closets.

(g.) *Lighting at night. Fixtures. Door glass panels.* Every water-closet compartment in any tenement house shall be provided with proper means of lighting the same at night. If fixtures for gas or electricity are not provided in such compartment, then the door of such compartment shall be provided with translucent glass panels, or with a translucent glass transom, not less in area than four square feet.

(h.) *Floors of waterproof materials.* The floor of every such water-closet compartment shall be made waterproof with asphalt, tile, stone or some other waterproof material; and such waterproofing shall extend at least six inches above the floor on all sides of the compartment except at the door opening, so that the floor can be washed or flushed without leaking.

(i.) *Drip trays.* No drip trays shall be permitted.

(j.) *Fixtures not to be inclosed.* No water-closet fixtures shall be inclosed with any woodwork. (Approved February 16, 1922.)

(26)

Water Supply. Sink in Each Apartment. Sinks in Public Halls.

Acts 1907, Ch. 550. SECT. 73. (1.) *Sink in each apartment.* In every tenement house hereafter erected there shall be in each apartment a proper sink with running water.

(2.) *Sinks in public halls.* The woodwork inclosing sinks located in the public halls or stairs shall be removed, and the space underneath the sinks shall be left open. The floors and wall surfaces beneath and around the sink shall be maintained in good order and repair.

CHAPTER 4.—BUILDINGS DANGEROUS TO LIFE OR UNFIT FOR HUMAN HABITATION.

Sect.

1. Health Commissioner may order any building or part thereof, in Boston vacated when certain conditions exist therein. Reasons to be stated in order. Service of order. Building to be vacated within ten days, or other time stated in order, after service; and no longer used; but Commissioner may revoke order if satisfied conditions have been remedied. Commissioner may order any building in Boston removed which in his opinion is so unfit for human habitation or so affects the

Sect.

- sanitary condition of other buildings, that the evils in or caused by said building cannot be remedied by repairs; and the Commissioner shall remove same if order not complied with.
2. City to pay damages sustained by owner of building demolished as agreed upon by owner and Health Commissioner, or as determined by jury upon petition to Superior Court brought within one year after demolition.
3. Rules for the government of the Board when ordering buildings removed.

I.

STATUTES.

(1)

Certain Conditions to Authorize Order Vacating Building, and to be Stated in Order.

Acts 1897, Ch. 219. (As amended Acts 1899, Ch. 222.) **SECT. 1.** Whenever the board of health of the City of Boston shall be of opinion that any building or any part thereof in said city is infected with contagious disease, or by reason of want of repair has become dangerous to life, or is unfit for use because of defects in drainage, plumbing, ventilation, or in the construction of the same, or because of the existence of a nuisance on the premises which is likely to cause sickness among its occupants, said board may issue an order requiring all persons therein to vacate or cease to use such building or part thereof stated in the order, for reasons to be stated therein as aforesaid.

Service of Order.

Said board shall cause said order to be affixed conspicuously to the building or part thereof, and to be personally served on the owner, lessee, agent, occupant or any person having the charge or care thereof; if the owner, lessee or agent cannot be found in the said city, or does not reside therein, or evades or resists service, then said order may be served by depositing a copy thereof in the post-office of said city, postpaid and properly inclosed and addressed to such owner, lessee or agent at his last known place of business or residence.

Building to be Vacated Within Ten Days, etc., After Service of Order. Revocation of Order.

Such building or part thereof shall be vacated within ten days after said order shall have been posted and mailed as aforesaid, or within such shorter time, not less than forty-eight hours, as in said order may be specified, and said building shall be no longer used; but whenever said board shall become satisfied that the danger from said building or part thereof has ceased to exist, or that said building has been repaired, so as to be habitable, it may revoke said order.

Certain New Conditions to Authorize Order for Removal of Building.

Whenever in the opinion of the board of health, any building or part thereof in said city is because of age, infection with contagious disease, defects in drainage, plumbing or ventilation, or because of the existence of a nuisance on the premises which is likely to cause sickness among its occupants, or among the occupants of other property in said city, or because it makes other buildings in said vicinity unfit for human habitation or dangerous or injurious to health, or because it prevents proper measures from being carried into effect for remedying any nuisance injurious to health, or other sanitary evils in respect of such other buildings, so unfit for human habitation that the evils in or caused by said building cannot be remedied by repairs or in any other way except by the destruction of said building or of any portion of the same, said board of health may order the same or any part thereof to be removed; and if said building is not removed in accordance with said order, said board of health shall remove the same at the expense of the city.

(2)

Damages.

Acts 1897, Ch. 219. SECT. 2. The city of Boston shall pay the damages sustained by the owner of the building by the destruction of the same, or part thereof, as determined on agreement between said board of health and said owner, and if they cannot agree, the same shall be determined by a jury of the superior court for the county of Suffolk on petition of said owner or board within one year after said destruction, in the same manner as damages are determined for the taking of land in laying out streets and highways in the city of Boston.

II.

RULES.

(3)

Governing the Board of Health in Ordering the Vacating or Removal of Buildings.

Vote, Oct. 10, 1903. All bids on the work of tearing down buildings and parts of buildings shall be made on the condition that no contractor will be paid for his work until completed and premises left in a condition satisfactory to the Board of Health.

Vote, July 22, 1904. In all cases where ells or other buildings are to be demolished, notices shall first be served requiring the same to be vacated.

In all cases where orders have been issued for vacating buildings intended by this Board to be demolished, orders requiring the demolition shall be issued the day following notices to vacate.

CHAPTER 5.—FACTORIES AND WORKSHOPS. BUSINESS OF BARBERS.

Sect.

1. All industrial establishments to provide drinking water to employees.
2. Boards of health to investigate certain complaints from the State Department of Labor and Industries.
3. All factories, etc., to provide receptacles for expectoration satisfactory to board of health.
4. Boards of health to examine workshops, etc., when notified by the State De-

Sect.

- partment of Labor and Industries of evidence of infection or vermin therein.
5. Definitions.
6. General penalty.
7. Form, construction and number of receptacles for expectoration in factories and workshops in Boston, prescribed.
8. Barbers, business of, regulated.

I.

STATUTES.

(1)

Drinking Water to be Provided. Penalty.

G. L., Ch. 149. SECT. 106. All industrial establishments shall provide fresh and pure drinking water to which their employees shall have access during working hours. Any person owning, in whole or in part, managing, controlling or superintending any industrial establishment in which this section is violated shall, on the complaint of the local board of health, the selectmen of a town or an inspector, be punished by a fine of one hundred dollars.

1902, 322.
1915, 117.

1907, 537, s. 5.

1909, 514, ss. 78, 145.

(2)

Boards of Health to Investigate Certain Complaints.

G. L., Ch. 149. SECT. 136. If it appears to an inspector (of the state department of labor and industries) that any act, neglect or fault in relation to any drain, water-closet, earth closet, privy, ash pit, water supply, nuisance or other matter in any industrial establishment is punishable or remediable under any law relative to the preservation of the public health, but not under this chapter, he shall give written notice thereof to the board of health of the town where such establishment is situated, and such board of health shall thereupon inquire into the subject of the notice and enforce the laws relative thereto.

1887, 103, s. 3.

1894, 508, s. 35.

R. L. 106, s. 49.

1909, 514, ss. 81, 145.

(3)

Spittoons.

G. L., Ch. 149. SECT. 140. Suitable receptacles for expectoration shall be provided in all factories and workshops by the proprietors thereof, the same to be of such form, construction and number as shall be satisfactory to the board of health of the town where the factory or workshop is situated.

1907, 503, s. 2.

1909, 514, ss. 103, 145.

For penalty see (6) following.

(4)

Boards of Health to Examine Certain Workshops.

G. L., Ch. 149. SECT. 144. If an inspector (of the state department of labor and industries) finds evidence of infectious or contagious disease or of vermin present in a workshop, or in a room or apartment in a tenement or dwelling house where wearing apparel is made, altered or repaired, or in goods manufactured or in process of manufacture therein, he shall report the same to the department (of labor and industries), which shall notify the local board of health to examine said workshop, room or apartment and the materials used therein; and if the board of health finds that said workshop, tenement or dwelling house is in an unhealthy condition, and that the clothing and materials used therein are unfit for use, it shall issue such order as public safety may require.

1912, 726, s. 5.

1919, 350, s. 69.

(5)

Definitions.

G. L., Ch. 149. SECT. 1. In this chapter the following words, unless a different meaning is required by the context or is specially prescribed, shall have the following meanings:

"Buildings used for industrial purposes" or "industrial establishments" shall include factories, workshops, bakeries, mechanical establishments, laundries, foundries, tenement house workrooms, all other buildings or parts thereof where manufacturing is carried on, and mercantile establishments as defined in this section.

"Factory," any premises where mechanical power is used in aid of any manufacturing process there carried on.

"Manufacturing establishments," any premises, room or place used for the purpose of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part thereof.

"Mechanical establishments," any premises other than a factory as above defined, where machinery is employed in connection with any work or process carried on therein.

"Mercantile establishments," any premises used for the purposes of trade in the purchase or sale of any goods or merchandise, and any premises used for a restaurant or for publicly providing and serving meals.

"Workshop," any premises, room or place, not a factory as above defined, wherein manual labor is exercised by way of trade or for purposes of gain in or incidental to a process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part thereof, and to which or over which premises, room or place the employer of the persons working therein has the right of access or control; but the exercise of such manual labor in a private house or private room by the family dwelling therein or by any of them, or if a majority of the persons therein employed are members of such family, shall not of itself constitute such house or room a workshop.

(6)

General Penalty.

G. L., Ch. 149. SECT. 180. Whoever violates a provision of this chapter (chapter 149 of the General Laws) for which no specific penalty is provided shall be punished by a fine of not more than one hundred dollars.

1890, 423, s. 144, and amendments.

II.

REGULATIONS.

(7)

Spittoons, Form, Construction and Number, Prescribed.

Reg. April 13, 1909. In accordance with Acts 1907, chapter 503, section 2 (see (3) preceding), the Board of Health of the city of Boston requires the following form, construction and number of receptacles for expectoration in factories and workshops in Boston:

Cuspidors may be either permanent or destructible, and should be furnished to the number of one at least for every five male or every twenty female operatives under ordinary conditions.

The permanent cuspidor may be of enamelled iron or steel, or other metal or glazed pottery. It should contain at least one inch of water when in use, and must be cleansed every day with hot water and the contents flushed into the sewer if possible, otherwise on ground fully exposed to sunshine.

The destructible cuspidor shall be of combustible material, and not smaller than seven inches across the top. It should be of waterproof material, and capable of containing liquids without leakage during the time it is used. It should contain not less than one inch of sawdust, sand or other powdered absorbent material, and must be burned together with its contents.

Barbers, Business of, Regulated.*Premises to be Kept Clean.*

Reg. May 4, 1900, as amended June 7, 1912. The place of business, together with all the furniture shall be kept at all times in a cleanly condition.

Sterilization of Instruments After Use.

Mugs, shaving brushes, razors and all other utensils used in shaving and hair cutting shall be sterilized by immersion in boiling water for a period of at least one minute after separate use thereof.

Separate, Clean Towel for Each Customer.

A separate clean towel shall be used for each person, and no towel that has been used on a previous customer shall again be used until re-laundered.

Massage Vibrators to be Aseptic.

All rubber discs and appliances of a massage vibrator coming in contact with the skin in the process of massaging shall be thoroughly cleaned and rendered aseptic after each operation and before being used on another customer.

Alum, etc. to be Used in Powdered Form Only.

Alum or other material used to stop the flow of blood shall be so used only in powdered form, and applied on a clean towel.

Powder Puffs and Sponges.

The use of powder puffs and sponges is prohibited.

Water Supply.

Every barber shop shall be provided with running hot and cold water.

Use of Shop for Sleeping Purposes, Forbidden

No person shall be allowed to use any barber shop as a dormitory.

Cleanliness of Hands.

Every barber shall cleanse his hands thoroughly immediately after serving each customer.

For penalty see G. L. 111, s. 122 (chap. 14, section 1 following).

References.

Sect. (1.) No common drinking cup or common towel shall be provided in any building or premises used as a public institution, etc. G. L., ch. 111, s. 8.

Sect. (4.) A room or apartment in a tenement or dwelling house, which is used for living or sleeping purposes or is connected with a room so used, shall not be used for the purpose of making, altering, repairing or finishing therein wearing apparel of any description, except by members of the family dwelling therein, or by a tailor or seamstress employed by the family for making apparel for use of family, without a license from the state department of labor and industries. G. L. 149, s. 143.

CHAPTER 6.—GARBAGE, ASHES AND OTHER REFUSE.
COLLECTORS. RECEPTACLES. DUMPS.

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| <p>Sect.</p> <ol style="list-style-type: none"> 1. Towns may make contracts for disposal of garbage, etc. 2. Transportation of garbage, etc., through streets. Registration. Fee. 3. Receptacles for garbage, etc., to be provided by owners of tenement houses in Boston. 4. Placing ashes, etc., in yard, etc., of any building in Boston, except in suitable receptacles forbidden. 5. Removal of refuse from dwelling houses, etc., when properly placed in yards, etc. 6. Keeping garbage. 7. Keeping ashes and cinders. 8. Carrying house dirt, etc., in any street in Boston, or interfering with receptacles, forbidden without a permit approved by Health Commissioner. Exception. Dumping places to be approved. Light refuse to be bundled. 9. Persons removing rubbish, etc., not to allow it to leak from vehicle or suffer offensive odors to escape therefrom. Vehicles not to stand in street longer than ten minutes. Exception. 10. Throwing rubbish, etc., into any pond, etc., between April 1 and November 1 forbidden, except in accordance with permit from Health Commissioner 11. Conveying stale grease, etc., through streets of Boston forbidden, except in certain vessels. 12. Allowing persons other than employees to pick over rubbish on dumps forbidden. | <p>Sect.</p> <ol style="list-style-type: none"> 13. Persons desiring to transport garbage through streets of Boston shall register with Health Department and comply with regulations. <ol style="list-style-type: none"> 1. Vehicles to be kept clean. Receptacles to be kept covered and water-tight. 2. Places from which garbage collected shall be designated. 3. Hours for collections from hotels, etc., 4. Collections in certain section forbidden, except on certain days and before a certain hour. 5. Collections in parts of city other than above section shall be at least twice weekly, and may be on any day except Sunday, and at any hour of day. 6. Collections shall be of entire contents of receptacles without selection or separation. 7. Collectors shall designate depository for garbage, and shall state purpose for which collections are made. 8. Monthly examinations of vehicles and receptacles required. 9. Vehicles shall have registration number. 10. Penalty for violation of above regulations. 14. Form for approval of dumping places. Further requirements. 15. Conditions in accordance with which permits to convey garbage are issued. 16. Satisfactory receptacles for garbage, etc., defined. |
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I.

STATUTES.

(1)

Towns May Make Contracts for Disposal of Garbage, etc.

G. L., Ch. 40. SECT. 4. A town may make contracts for the exercise of its corporate powers and for the following purposes: For the disposal of its garbage, refuse and offal by contract for a term of years. Contracts for such disposal may be made by the selectmen, board of health or other officers having charge thereof.

(2)

Any Person May Transport Garbage, etc., Through the Streets when Registered with Local Board of Health. Fee.

G. L., Ch. 111. SECT. 31A. Any person may remove or transport garbage, offal or other offensive substances through the streets; provided that he shall

first register with the local board of health, the fee for which registration shall not exceed two dollars; and provided further, that he shall remove and transport the material herein mentioned in accordance with such reasonable rules and regulations as may be established by the said board of health.

1921, 358.

(3)

Owners of Tenement Houses in Boston Shall Provide Suitable Receptacles for Garbage, etc.

Acts 1907, Ch. 550. SECT. 75. (As affected by 1913, 586.) The owner of every tenement house shall provide therefor suitable covered, water-tight receptacles satisfactory to the board of health, for ashes, garbage, refuse and other matter.

For penalty see Acts 1907, ch. 550, s. 132.

(4)

Placing Ashes, etc., in Yard, etc., of any Building in Boston Except in Suitable Receptacles Forbidden.

Acts 1907, Ch. 550. SECT. 128. (As amended 1913, 586), Par. 2. No person shall place ashes, rubbish, garbage, refuse or other matter in the yards, open areas or alleys connected with or appurtenant to any building except in suitable receptacles provided for the same.

For penalty see Acts 1907, c. 550, s. 132.

II.

ORDINANCES.

(5)

The Removal of Refuse from Dwelling Houses, etc., in Boston, when Properly Placed in Yards, etc.

R. O. 1914, Ch. 28. SECT. 1. (As amended Ord. 1916, Ch. 3, Sect. 1, Ord. 1917, Ch. 2, Sect. 1 and Ord. 1921, Ch. 3.) The department of public works shall . . . remove and dispose of, at the expense of the public works department, all refuse from buildings occupied by the city except those under the control of the school committee; shall remove and dispose of the following classes of refuse from dwelling houses and from housekeeping apartments or tenements, when it is placed in yards or areas so as to be easily removed, free of charge to the producers of such refuse and to the owners and occupants of such dwelling houses, apartments and tenements, viz.: swill and kitchen garbage, dust and sweepings, ashes from fires used wholly or principally for heating or cooking, waste paper, cardboard, string, packing materials, sticks, rags, waste leather and rubber, boxes, barrels, broken furniture and other similar light and combustible refuse; tins, bottles, jars, broken glass, broken crockery,

bones, shells, waste or broken metals and all other similar heavy or incombustible refuse. But the department shall not be required to take any such refuse from hotels, apartment hotels, restaurants, shops, stores, or from any other building whatever except those first hereinbefore enumerated and except buildings occupied by the city. The department shall not so take the refuse of manufacturing or mercantile business, or dead animals, manure, plaster, building materials, earth and stones except from premises occupied by the city, but the department may take and dispose of any refuse upon payment by the producer thereof to the city of such compensation as the commissioner (department of public works) shall from time to time prescribe.

(6)

Keeping Garbage.

R. O. 1914, Ch. 40. SECT. 11. No person shall keep in his house or on his land, any house offal, unless the same is free from ashes and other refuse matter and so placed in a suitable vessel as to be easily removed.

For penalty see R. O. 1914, c. 40, s. 92.

(7)

Keeping Ashes and Cinders.

R. O. 1914, Ch. 40. SECT. 13. No person shall place or keep ashes or cinders in or near any building in such a manner as to be liable to cause fire, or mix them with other substances, or place or keep them except in metallic vessels so placed as to be easily removed.

For penalty see R. O. 1914, c. 40, s. 92.

(8)

Carrying House Dirt, etc., in any Street in Boston, or Interfering with Receptacles, Forbidden Without a Permit Approved by the Health Commissioner. Exception. Dumping Places to be Approved. Light Refuse to be Bundled.

R. O. 1914, Ch. 40. SECT. 14. No person, other than employees of the city engaged in public work, shall in any street carry house dirt, house offal * or other refuse matter or interfere with the receptacles containing the same, except in accordance with a permit from the commissioner of public works approved by the board of health and no person shall deposit or dump any house dirt, house offal, or other refuse matter, except in a place approved by the

* Annulled so far as relates to garbage, offal or other offensive substances when removed by registered collectors. G. L., c. 111, s. 35A (see (2) preceding).

board of health, or place outside of any building or premises for removal any light refuse or rubbish that is likely to be scattered or blown about, unless the same is properly packed, bundled or otherwise secured.

For penalty see R. O. 1914, c. 40, s. 92.

III.

REGULATIONS.

(9)

Persons Removing Rubbish, etc., shall not Suffer it to Leak from Vehicle or Suffer Offensive Odors to Escape Therefrom. Vehicles not to Stand in Street Longer than Ten Minutes. Exception.

Reg. Sept. 8, 1876 (as amended July 31, 1900). No person removing earth, dirt, sawdust, soot, ashes, shavings, hair, shreds, manure, oysters, clams or lobsters, waste water, or any animal or vegetable substance, house offal, swill, rubbish or filth of any kind whatsoever, shall suffer it to leak, escape or drop from any vehicle by him owned or driven into or upon any street, court, square, lane, alley, wharf or public enclosure in the city of Boston, or suffer offensive odors to escape from such vehicles to the discomfort or annoyance of people residing, doing business or travelling on the route over which such vehicles are driven. Nor shall any person engaged in collecting any of the articles heretofore enumerated suffer any vehicle to remain standing in any street, court, square, lane, alley, wharf or public enclosure in the city of Boston, except for the purpose of removing the refuse so collected, for a longer time than ten consecutive minutes.

For penalty see G. L., c. 111, s. 122 (see (1) of chapter 14 following).

(10)

Throwing Rubbish, etc., into Any Pond, etc., Between April and November 1, Forbidden Except in Accordance with Permit from the Health Commissioner.

Reg. April 10, 1893. Whereas, In the opinion of the Board of Health, the use of refuse materials in filling ponds and bodies of water and wet lands is a nuisance, source of filth and cause of sickness, it is therefore

Ordered: That no person shall throw into any pond or body of water, or upon any land which at any time is covered with tide-water, within the limits of the city of Boston, any refuse, animal or vegetable matter, or any perishable material or rubbish or filth of any kind whatsoever, between the first day of April and the first

day of November, except in accordance with a written permit issued from the Board of Health to the owner of such pond or land, and no owner of such pond or land shall refuse or neglect to remove therefrom any refuse or filth hereinbefore described which shall be thrown or placed in or upon the same within the period hereinbefore specified.

For penalty see G. L., ch. 111, s. 122 (see (1) of chapter 14 following).

(11)

Conveying Stale Grease, etc through Streets of Boston Forbidden Except in Certain Vessels.

Reg. July 22, 1909. Whereas, The keeping, collecting and transportation of stale grease and bones is attended by noisome and injurious odors, it is hereby

Ordered: That no person shall keep, collect or convey through the streets or places in Boston any stale grease, bones or other decaying and offensive matter except in clean and tightly closed vessels from which offensive odors cannot escape.

For penalty see G. L., c. 111, s. 122 (see (1) of chapter 14 following).

(12)

Allowing Persons Other than Employees to Pick Over Rubbish on Dumps, Forbidden.

Reg. January 11, 1915. Whereas, In the opinion of the Board of Health of the city of Boston, the picking over of rubbish, junk and waste material on the dumping grounds in the city by persons other than those regularly employed on said dumps for such purposes, is the cause of serious nuisance and detrimental to health; and

Whereas, Such picking over and collecting of such rubbish and junk is liable to cause sickness, it is hereby

Ordered: That no persons other than those regularly employed on said dumps shall be allowed to pick over or collect any junk or other waste material deposited on said dumps.

For penalty see G. L., c. 111, s. 122 (see (1) of chapter 14 following.)

(13)

Persons Desiring to Transport Garbage through Streets of Boston shall Register with Health Department, and Comply With Following Regulations.

Reg. August 14, 1922. Pursuant to the provisions of Chap. 358, Acts of 1921 (now G. L., Chap. 111, Sect. 31A. See (2) preceding), it is hereby

Ordered: That any person desiring to remove or transport

garbage, offal or other offensive substances through the streets of Boston shall first register with the Health Department of the city of Boston, pay a fee of \$2.00, and comply with the following rules and regulations relative thereto:

Vehicles Shall be Kept Clean and in Good Repair. Receptacles Shall be Kept Covered and Water-Tight.

1. Any person so registered for the removing or transporting of garbage, offal or other offensive substances through the streets of the City of Boston shall use vehicles in good repair, with water-tight and tightly covered receptacles. The vehicles and receptacles used shall be kept in cleanly condition, satisfactory to the Health Department; and all such receptacles shall be kept covered except at such times as the garbage, offal or other offensive substances are being placed therein or removed therefrom.

Places from Which Garbage Collected Shall be Designated.

2. Every person removing garbage, offal or other offensive substances shall designate to the Health Department the places (street and number) from which garbage is collected or is to be collected.

Hours for Collections from Hotels, etc.

3. Collections shall be made before 8 a. m. daily, except Sundays and holidays, from all hotels, restaurants, stores and markets.

Collections in Certain Section Forbidden Except on Certain Days and Before a Certain Hour.

4. No person shall collect, remove or transport garbage, offal or other offensive substances in that part of the city proper lying north and east of Massachusetts avenue from premises other than specified in paragraph 3, except on Mondays and Thursdays, and only provided said collection, removal or transporting of garbage, offal or other offensive substances is made or done before eight o'clock in the morning.

Collections in Parts of City Other than Above Section Shall be at Least Twice Weekly, and May be on Any Day Except Sunday, and at Any Hour of the Day.

5. Any person removing garbage, offal or other offensive substances in parts of the city other than designated in paragraph 4, shall so remove garbage, offal or other offensive substances at least twice in every week, and may so remove garbage, offal or other offensive substances on any day of the week, except Sundays, and at any hour of the day.

Collections Shall be of Entire Contents of Receptacles Without Selection or Separation.

6. Any person collecting, removing or transporting garbage, offal or other offensive substances from any place or building shall collect and remove all the garbage, offal or other offensive substances, and shall not select or separate said garbage or offal, but

shall remove any and all the substances desired to be removed or collected by the person or householder, which has been deposited in said person's or householder's garbage receptacle or container.

Collectors shall Designate Depository for Garbage and Shall State Purpose for Which Collections are Made

7. Any person collecting, removing or transporting garbage, offal or other offensive substances through the streets of Boston shall designate to the Health Department the depository used by him for such garbage and offal collected by him, and shall further inform the Health Department for what purpose the said garbage or offal is collected.

Monthly Examination of Vehicles and Receptacles Required.

8. Any person collecting, removing or transporting garbage, offal or other offensive substances shall submit for the examination by the Health Department monthly, or as often as may be required by the Health Department, all vehicles and receptacles used by him in collecting, removing or transporting said garbage, offal or other offensive substances.

Vehicles Shall Have Registration Number.

9. Every vehicle used by a person for collecting, removing or transporting garbage, offal or other offensive substances shall have affixed to such vehicle a registration number of block letter type at least three inches high issued by the Health Department, which number shall be displayed in a prominent place on said vehicles.

Penalty for Violation of Above Regulations.

10. Whoever violates any of the foregoing regulations shall be punished by a fine not exceeding fifty dollars for each violation.

Approved September 8, 1922, by the Attorney General in accordance with G. L., c. 111, s. 31.

IV.

RULES, RESTRICTIONS AND REQUIREMENTS.

(14)

Form of Approval of Dumping Places.

Vote, March 30, 1904. That the following form be and hereby is adopted in granting approval for the use of land as a dumping ground: The depositing or dumping of house dirt or other refuse (on premises) is approved, provided all decomposing or offensive matter shall be substantially covered with clean material; that said dumping grounds be kept at all times in a cleanly condition and that no paper or other light material be scattered or permitted to be blown from or remain uncovered upon said grounds.

Further Requirements.

Special Order, July 29, 1920. . . , and further to erect a wire fence around the land if directed to do so. . . He (applicant for permit) agrees also to have sufficient fire hose on dump to prevent any fire, and to see that no fires are allowed to burn on the different dumps, and to keep watch on premises to prevent outsiders from dumping on premises.

(15)

Conditions in Accordance with which Permits to Convey Garbage are Issued.

Order, May 17, 1905. No permits to persons to carry house offal, commonly known as swill or garbage, through the streets of Boston, shall be granted, except in accordance with the following conditions, which shall be printed on each permit, namely: All house offal, known as swill or garbage, while being conveyed through the streets of Boston, under authority of this permit, shall be so carried only in clean and tightly-closed receptacles, from which no liquid or offensive odor shall be allowed to escape.

(16)

Satisfactory Receptacles for Garbage, etc., Defined.

Vote, December 12, 1912. The Board of Health calls attention to section 75 of chapter 550, Acts of 1907 (see (3) preceding) and hereby notifies owners (of tenement houses in Boston) that "suitable, covered, water-tight receptacles, satisfactory to the Board of Health, for ashes, rubbish, garbage, refuse or other matter" shall be considered to mean for garbage a substantial, water-tight receptacle which shall have a tightly fitting cover, and be kept at all times covered, and for ashes, cinders, rubbish and refuse a metallic vessel that shall not be filled within four inches from the top.

References.

Sect. 16.—Placing or keeping any refuse or noxious or decaying liquid or solid matter, except house offal, in any building or in any waters or on any land, except in accordance with a permit from the Health Commissioner. R. O. 1914, c. 40, s. 10 (see (21) of chapter 2 preceding).

A charge of one dollar shall be made for the following permits, viz.: . . . Assignment of premises for dumping ashes, etc. Vote, December 8, 1914.

CHAPTER 7.—GASFITTING IN BOSTON, BOARD OF EXAMINERS IN.

Sect.

1. Engaging in business of gas fitting in Boston, either as employer or journeyman, prohibited without a license. Term "Journeyman" defined.
2. Applications for license shall be made to building commissioner and shall be referred to the board of examiners. Applicants shall be examined at time and place designated by said board.
3. Health and building commissioners shall be *ex-officio* members of board of examiners. Third member shall be chosen by Health Commissioner. Qualifications. Terms. Compensation.
4. Said board shall organize and then designate

Sect.

- nate times and places for examination. Board shall examine applicant and if satisfied of his competency shall so certify to building commissioner who issue license. Registration. Firms and corporations. How qualified. Fee. Term. License not transferrable.
5. Penalty for violation of act. Revocation of license.
6. A report of proceedings of the board of examiners shall be included in annual report of the building commissioner.
7. Gas fitting defined.
8. Board of examiners shall not be affected by provisions of a certain act.

I.

STATUTES.

(1)

Engaging in Business of Gas Fitting in Boston Either as Employer or Journeyman Prohibited without a License. Term "Journeyman" Defined.

Acts 1897, Ch. 265. SECT. 1. No person, firm or corporation shall engage in or work at the business of gas fitting in the city of Boston after October 1, 1897, either as employer or as a journeyman, unless such person, firm or corporation has received a license therefor in accordance with the provisions of this act. The word "journeyman," as used in this act, shall be deemed to mean one who personally does any gasfitting or any work in connection therewith which would be subject to inspection under the provisions of this act.

For penalty see Acts 1897, ch. 265, s. 11 [see (5) following].

(2)

Applications for License shall be made to Building Commissioner and shall be Referred to the Board of Examiners. Applicants shall be Examined at Time and Place Designated by Said Board

Acts 1897, Ch. 265. SECT. 2. Every person, firm or corporation desiring to engage in the business of gas fitting in the city of Boston shall make application therefor to the building commissioner, and shall at such time and place as may be designated by the board of examiners hereinafter provided for, to whom such application shall be referred, be examined as to his qualifications for such business.

(3)

Health and Building Commissioners shall be Ex-Officiis Members of Board of Examiners. Third Member shall be Chosen by Health Commissioner. Qualifications. Term. Compensation.

Acts 1897, Ch. 265. SECT. 3. The board of examiners shall consist of the building commissioner, the chairman of the board of health, who shall be *ex officio* members of said board and serve without compensation, and a third member, to be chosen by the board of health, who shall be a practical gas fitter of at least five years' continued practical experience during the years next preceding the date of appointment. Said third member shall be chosen within thirty days after the passage of this act, for a term ending on May 1, 1898, and thereafter annually; and he shall be allowed a sum not exceeding five dollars for each day of actual service, to be paid from the treasury of the city of Boston.

(4)

Said Board shall Organize and then Designate Times and Places for Examination. Board shall Examine Applicant and if Satisfied of His Competency shall so Certify to Building Commissioner who Issues License. Registration. Firms and Corporations how Qualified. Fee. Term. License not Transferable.

Acts 1897, Ch. 265. SECT. 4. Said board of examiners shall, as soon as may be after the appointment of said third member, meet and organize by the selection of a chairman and clerk, and shall then designate the times and places for the examination of all applicants desiring to engage in or work at the business of gas fitting in the city of Boston. Said board shall examine said applicants as to their practical knowledge of gas fitting, shall submit the applicant to some satisfactory form of practical test, and, if satisfied of the competency of the applicant, shall so certify to the building commissioner, who shall thereupon issue a license to such applicant, authorizing him to engage in or work at the business of gas fitting, first requiring him to register in the office of the said building commissioner his name, place of business or residence, license number, date of examination, and in what capacity licensed. In case of a firm or corporation, the examination of one member of the firm, or of the manager of the corporation, shall satisfy the requirements of this act. The fee for the license of any employing gas fitter shall be two dollars, and for a journeyman, fifty cents; and said license shall continue in force until revoked or cancelled but shall not be transferable.

(5)

Penalty for Violation of Act. Revocation of License.

Acts 1897, Ch. 265. SECT. 11. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be subject to a fine of not exceeding one hundred dollars for each offence, and if such person has received a license under this act his license may be revoked by the building commissioner.

(6)

A Report of Proceedings of the Board of Examiners shall be Included in Annual Report of the Building Commissioner.

Act 1897, Ch. 265. SECT. 12. The building commissioner shall include in his annual report to the city council a report of the proceedings of the building

department under this act, and shall include therein a report of the board of examiners appointed under this act, giving their proceedings during the year ending on the first day of February.

(7)

Gas Fitting Defined.

Acts 1907, Ch. 550. SECT. 11, Par. 15. (As amended Acts 1918 Spec., ch. 179, s. 3, p. 15.) Gas fitting shall mean the work of putting together any fittings, pipes or fixtures or other appliances which are to contain gas for heat, light or power purposes and will be subject to inspection under existing laws.

(8)

Board of Examiners shall not be Affected by Provisions of a Certain Act.

Acts 1907, Ch. 550. SECT. 10, Par. 2. Except as otherwise provided by law, the provisions of this act shall not be held to deprive . . . the board of examiners of gas fitters . . . of the city of Boston of any power or authority which they have at the date of the passage of this act, or of the remedies for the enforcement of the orders of said boards or officers; unless such powers, authorities, or remedies are inconsistent with the provisions of this act; nor to repeal any existing law, not herein expressly repealed, except so far as it may be inconsistent with the provisions of this act.

References.

All materials used and work performed relating to piping and fitting a building in Boston for gas, or to repairing gas piping or fittings, or to placing fixtures therein shall be subject to such regulations as shall be made by the Health Commissioner and the building commissioner, Acts 1897, ch. 265, s. 7 [see (2) of chapter 9 following].

The Boston Health Commissioner, by his inspectors, shall, from time to time, inspect the gas fixtures, etc. in any building, Acts 1897, ch. 265, s. 10 [see (1) of chapter 8 following].

CHAPTER 8.—GAS FIXTURES AND APPLIANCES, INSPECTION OF.

Sect.

1. Health Commissioner of Boston, by his inspectors, shall, from time to time, inspect the gas fixtures, etc., in any building. Owner of such building shall comply with requirements.
2. All materials used and work performed after a certain date relating to piping or fitting a building in Boston for gas, or to repairing gas piping or fittings, or to placing fixtures therein, shall be subject to certain regulations.
3. Gas pipes shall be placed within 3 feet of end of timber, etc., into which they are let. Letting such pipes into timbers, etc., more than a certain depth, forbidden. Removal of gas meters.
4. Gas brackets shall be placed a certain distance below ceiling, etc., provisions of act shall not affect gas company upon its own premises, etc.
5. Penalty for violation of any provision of this act. Revocation of license.
6. Gas fitting defined.
7. Jurisdiction of the courts relative to gas fitting.
8. Regulations pertaining to gas fitting and gas fitting materials.
 1. Repair of leaks; notice to building commissioner.
 2. Covering of pipe or fitting without notice to and approval by building commissioner.
 3. Strain on pipes laid; except fixtures.
 4. Fastening fixture outlets; capping uncovered outlets; number of burners
 5. Pipes to be properly protected.
 6. Swing brackets.
 7. Stop-pins.

Sect.

8. Cement prohibited.
9. Inside service to be tested.
10. Service pipe to have main cock.
11. Final test to be made by gas fitter in presence of inspector.
12. Material of gas pipe.
13. Brass nipples.
14. Risers.
15. Scale for piping; outside piping of brass a fixture.
16. Outlets and risers.
17. Outlets for fixtures.
18. Shields; when required.
19. Brass tubing; threads on brass pipe; rope or square tubing.
20. Cast fittings; plugs of cocks; stems of fixtures; L burner cocks.
21. Outlets for gas ranges.
22. Pipes to be laid above timbers.
23. Second-hand gas piping not allowed.
24. Drops or outlets.
25. Outlets; how fastened. (Diagrams A, B, C.)
26. Weights of gas pipes in pounds per foot; scale.
27. No gas pipe to be laid within six inches of electric wire.
28. Spark or self-lighting burners to be tested with mercury test.
29.
 - (a) Gas engines.
 - (b) Exhaust pipes.
 - (c) Diaphragms and bags.
 - (d) Size of pipes connecting gas engines (scale).
30. Gas not to be turned on until piping and fixtures approved.
31. Connections with gas appliances.
32. Rubber or flexible tubing not allowed.
33. Hose cock and independent fitting.

I.

STATUTES.

(1)

Health Commissioner of Boston by his Inspectors Shall from Time to Time Inspect the Gas Fixtures, etc., in any Building. Owner of Such Building Shall Comply with Requirements.

Acts 1897, Ch. 265. SECT. 10. The Board of Health of said city by its inspectors shall from time to time, as it deems proper, inspect the gas fixtures

and appliances in any building and shall make such requirements relating thereto as it deems the public health requires, and the owner of such building shall comply with such requirements.

For penalty for owner failing to comply under provisions of above section see Acts 1897, ch. 265, s. 11 [see (5) following].

(2)

All Materials Used and Work Performed After a Certain Date Relating to Piping or Fitting a Building in Boston for Gas or to Repairing Gas Piping or Fittings or to Placing Fixtures Therein Shall be Subject to Certain Regulations.

Acts 1897, Ch. 265. SECT. 7. On and after October 1, 1897, no building shall be piped or fitted for gas, nor shall any repairs be made in such pipings or fittings, nor fixtures placed, unless a permit * shall be granted therefor by the building commissioner. Every licensed gas fitter desiring to perform any work relating to piping or fitting a building for gas, or to repair gas piping or fittings, or to place fixtures therein, shall file an application therefor at the office of the building commissioner, giving the correct location, name and address of the owner, the intended use and material of the building and a full and complete statement of the work proposed and material to be used, and shall, if required by said building commissioner, furnish a plan thereof, which shall be subject to his approval. All materials used and work performed under the provisions of this section shall be subject to such regulations as shall be made by the board of health and the buildings commissioner.

For penalty for piping or fitting, etc., any such building without a permit, or in violation of any regulation made under the provisions of the above section, see Acts 1897, ch. 265, s. 11 [see (5) following].

(3)

Gas Pipes Shall be Placed Within 3 Feet of End of Timber, etc., into Which They are Let. Letting Such Pipes into Timbers, etc., More Than a Certain Depth Forbidden. Removal of Gas Meters.

Acts 1897, Ch. 265. SECT. 8. No gas pipe which may be introduced into any building shall be let into the timbers, beams or girders, unless the same is placed within thirty-six inches of the end of said timber, beam or girder, and in no building shall the said pipes be let into the timbers, beams or girders more than two inches in depth. No person shall disconnect or remove any gas meter, except the duly authorized representative of the company owning such meter.

For penalty see (5) following.

(4)

Gas Brackets Shall be Placed a Certain Distance Below Ceiling, etc. Provisions of Act shall Not Affect Gas Company upon Its Own Premises, etc.

Acts 1897, Ch. 265. SECT. 9. All gas brackets shall be placed at least three feet below any ceiling or woodwork, unless the same is properly protected by a shield, in which case the distance shall not be less than eighteen inches. Nothing in this act shall be construed to affect the operations of any gas company upon its own premises or upon its mains and surface pipes.

For penalty see (5) following.

* See Acts 1907, ch. 550, s. 1. p. 6, authorizing the building commissioner to grant permits for gas fitting when applications for same are made and filed in conformity with law.

(5)

Penalty for Violation of Any Provision of This Act. Revocation of License.

Acts 1897, Ch. 265. **SECT. 11.** Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be subject to a fine of not exceeding one hundred dollars for each offence, and if such person has received a license under this act his license may be revoked by the building commissioner.

(6)

Gas Fitting Defined.

Acts 1907, Ch. 550. **SECT. 11, Par. 15.** (As amended Acts 1918 Spec., ch. 179, s. 3, p. 15.) Gas fitting shall mean the work of putting together any fittings, pipes or fixtures or other appliances which are to contain gas for heat, light or power purposes and will be subject to inspection under existing laws.

(7)

Jurisdiction of the Courts Relative to Gas Fitting.

Acts 1907, Ch. 550. **SECT. 130, Par. 1.** The municipal court of the city of Boston, concurrently with the superior court, shall have jurisdiction throughout the city of prosecutions and proceedings at law under the provisions of this act, and also of all provisions of law relative to . . . gas fitting.

I.**REVISED REGULATIONS.**

(Authorized by Acts 1897, ch. 265.)

(8)

Pertaining to Gas Fitting and Gas Fitting Materials.

Revised Regulations pertaining to gas fitting and gas fitting materials adopted by the Board of Health and the Building Commissioners, July 29, 1898, amended August 16, 1899; amended March 13, 1918; amended July 9, 1923. (Authorized by chapter 265, Acts of 1897.

Notice of Repair of Leaks.

SECTION 1. In all cases of repair of leaks, a notice giving the location and extent of all work performed shall be filed with the building commissioner immediately upon completion of the same.

No Pipe or Fitting to be Concealed Until Approved.

SECT. 2. No pipe or fitting shall be covered or concealed from view until approved by one of the gas-fitting inspectors of the building department or for thirty hours after notice has been given to the building commissioner.

No Pipe to be Laid Subjected to Strain.

SECT. 3. Pipes shall be run and laid to avoid any strain or weight on the same, except that of the fixtures.

Outlets. Number of Burners.

SECT. 4. Outlets for fixtures shall be securely fastened; all outlets not covered by fixtures shall be left capped, and the number of burners for each outlet shall be marked on the builder's plan.

Pipes to be Properly Protected.

SECT. 5. Pipes laid in a cold or damp place shall be properly dripped, painted with two coats of red lead and boiled oil, or covered with felting satisfactory to the building commissioner.

Swing Brackets.

SECT. 6. Swing brackets shall have a globe or guard to prevent its burner from coming in contact with the wall. Bracket outlets shall be at least two and one-half inches from window or door casings.

Stop-Pins.

SECT. 7. Stop-pins to cocks shall be screwed into place.

Cement Prohibited.

SECT. 8. The use of gas-fitters' cement is prohibited, except in putting fixtures together.

Inside Service to be Tested.

SECT. 9. Inside services shall be tested by the fitter who received the permit to connect the service or meter.

Service Pipe to Have Main Cock.

SECT. 10. There shall be a main cock on the service pipe close to the foundation wall, one cock at the inlet side of each meter. When service pipes are over two inches, brass or composition, seated valves shall be used.

Final Test to be Made by Gas Fitter in Presence of Inspector.

SECT. 11. There shall be a final test by a gas-fitter of all fixtures and pipes by a column of mercury raised not less than two inches, which must stand five minutes; this test to be made in the presence of one of the gas-fitting inspectors of the building department; the gauge to be made of glass tubing of uniform interior diameter, and so constructed that both surfaces of the mercury will be exposed.

Material of Gas Pipe.

SECT. 12. All gas pipes shall be of wrought iron or steel, all fittings of malleable iron, except above two inches, when cast iron if not concealed will be allowed. All meter connections other than side flange type are to be made with rigid iron connections of a type approved by the board of health and the building commissioner.

Fuel Gas Appliances Whose Safety Depends on Burning Pilot Lights Must Be Connected to Meter.

SECT. 13. All fuel gas appliances whose safety depends upon a constant burning pilot light must be connected to a separate meter or to a fuel meter, close to the meter.

Risers.

SECT. 14. No riser shall be left more than five feet away from the front foundation wall.

Scale for Piping; Outside Piping of Brass a Fixture.

SECT. 15. Gas pipes shall be run in accordance with the following scale:

	Size (in Inches).	Length (in Feet).	Burners.
Iron pipe . . .	$\frac{3}{8}$	26	3
" . . .	$\frac{1}{2}$	30	6
" . . .	$\frac{3}{4}$	50	20
" . . .	1	70	35
" . . .	$1\frac{1}{4}$	100	60
" . . .	$1\frac{1}{2}$	150	100
" . . .	2	200	200
" . . .	$2\frac{1}{2}$	300	300
" . . .	3	450	450
" . . .	$3\frac{1}{2}$	500	600
" . . .	4	600	750

When brass piping is used on the outside of plastering or woodwork, it shall be classed as fixtures.

Outlets and Risers.

SECT. 16. Outlets and risers not provided with fixtures shall be properly capped.

Outlets for Fixtures.

SECT. 17. Outlets for fixtures shall not be placed under tanks, back of doors, or within three feet of any meter.

Shields, When Required.

SECT. 18. Gas burners less than two feet from a plastered ceiling or less than three feet from overhead woodwork, shall be protected by a shield satisfactory to the building commissioner. In first-class buildings no shields will be required.

Brass Tubing. Threads on Brass Pipe. Rope or Square Tubing.

SECT. 19. Brass tubing used for arms or fixtures shall be at least No. 18 standard gauge, with full thread. All threads shall screw in at least $\frac{5}{16}$ of an inch. Rope or square tubing shall be brazed or soldered into fittings and distributors, or have a nipple brazed into the tubing.

Cast Fittings. Plugs of Cocks. Stems of Fixtures. L-Burner Cocks.

SECT. 20. Cast fittings such as cocks, swing joints, double centres and nozzles shall be standard fittings, except for factory use where extra heavy or mill fittings shall be used. The plugs of all cocks must be ground to a smooth and true surface for their entire length, be free from sand-holes, have not less than $\frac{3}{4}$ -inch bearing on cast fittings and $\frac{1}{16}$ of an inch on turned fittings, have two flat sides on the end for the washer and have two nuts instead of a tail-screw. Stems of fixtures of two lights or more each, shall be not less than $\frac{1}{4}$ of an inch iron-pipe size. L-burner cocks shall not be used at the end of chandelier arms except in stores, churches, theatres, halls, and places of assembly or public resort.

Outlets for Gas Ranges.

SECT. 21. Outlets for gas ranges shall have a diameter not less than required for six burners, and all gas ranges and heaters shall have a cock on the service pipe. Ranges and heaters must be connected with right and left couplings, except in fireplace work, where brass unions may be used.

Pipes to be Laid Above Timbers.

SECT. 22. Pipes shall be laid above timbers, unless otherwise permitted, by the building commissioner.

Second-Hand Gas Piping Not Allowed.

SECT. 23. No second-hand pipe shall be put into use in any building without the written permission of the building commissioner.

Drops or Outlets.

SECT. 24. Drops or outlets less than $\frac{3}{4}$ of an inch in diameter shall not be left more than $\frac{3}{4}$ of an inch below plastering, centrepiece or woodwork, and other outlets shall not project more than $\frac{3}{4}$ of an inch beyond plastering or woodwork.

Outlets, How Fastened.

SECT. 25. Fastening boards shall not be cut away to accommodate electric wires. All outlets shall be fastened according to the diagrams on pages 132-134 inclusive.

Gas Pipes to be of Standard Pipe Class.

SECT. 26. Gas pipes, arms, and stem of fixtures, shall be of the kind classed as standard pipe, and shall weigh according to the following table:

Size of Pipe.	Pounds per Foot.	Size of Pipe.	Pounds per Foot.
$\frac{1}{4}$ -inch pipe . . . .	.24	$1\frac{1}{2}$ -inch pipe	2.68
$\frac{1}{2}$ -inch pipe . . . .	.42	2-inch pipe	3.61
$\frac{3}{4}$ -inch pipe . . . .	.56	$2\frac{1}{2}$ -inch pipe	5.74
1-inch pipe . . . .	.85	3-inch pipe	7.54
$1\frac{1}{4}$ -inch pipe	1.12	$3\frac{1}{2}$ -inch pipe	9.00
1-inch pipe	1.67	4-inch pipe	10.66
$1\frac{1}{2}$ -inch pipe	2.24		

Gas Pipes Not to be Laid Near Electric Wire.

SECT. 27. No gas pipe shall be laid within six inches of an electric wire, except where the electric wire is an insulated conduit.

Mercury Test for Sparklighting, etc.

SECT. 28. Wherever sparklighting or selflighting burners are used the mercury test shall be applied to the cocks.

GAS ENGINES.

Connection of Gas Engines.

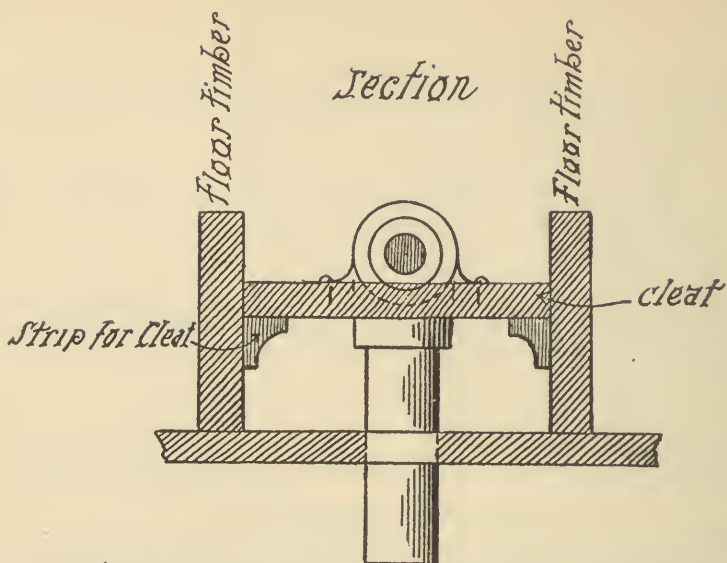
SECT. 29. (a) Gas engines must be connected to service from which no gas for illuminating purposes is used.

Placing of Exhaust Pipe.

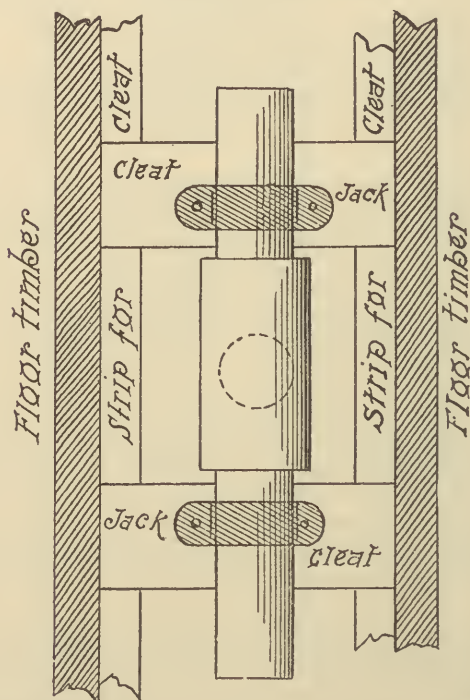
(b.) Exhaust pipes shall be run to roof when possible, not come in contact with woodwork, and be properly protected.

Diaphragms and Bags.

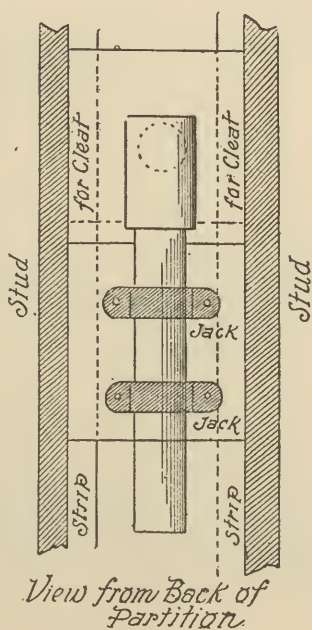
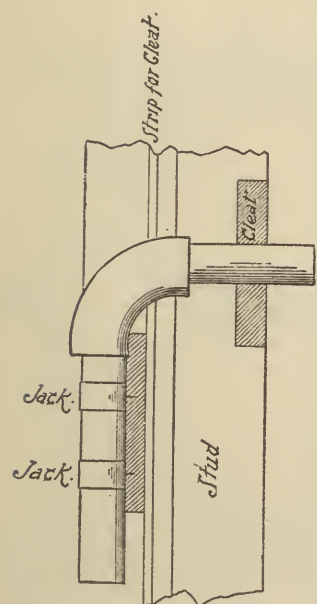
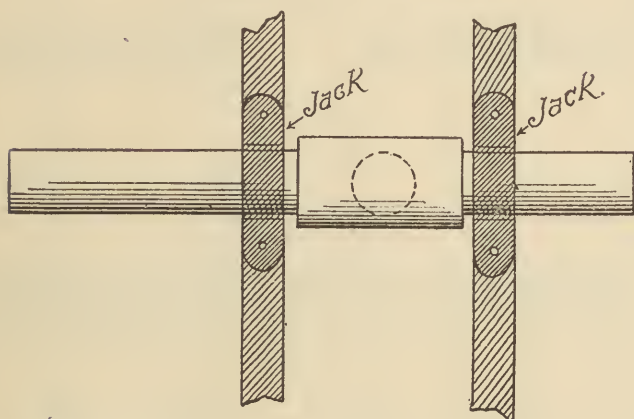
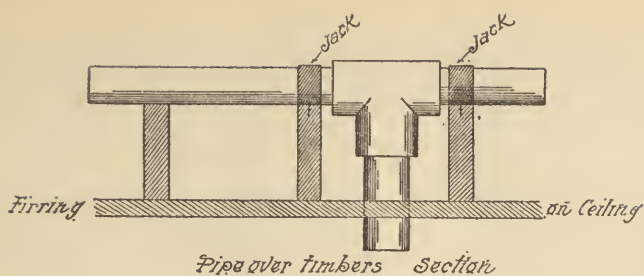
(c.) Diaphragms and bags must be on the same floor with engine and have a valve governing same.



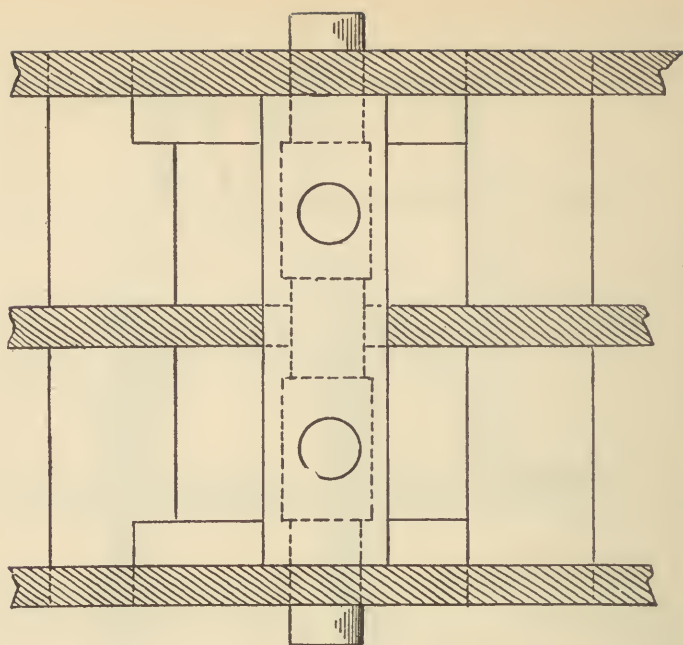
Pipe between floor timbers, pipe running in same direction.



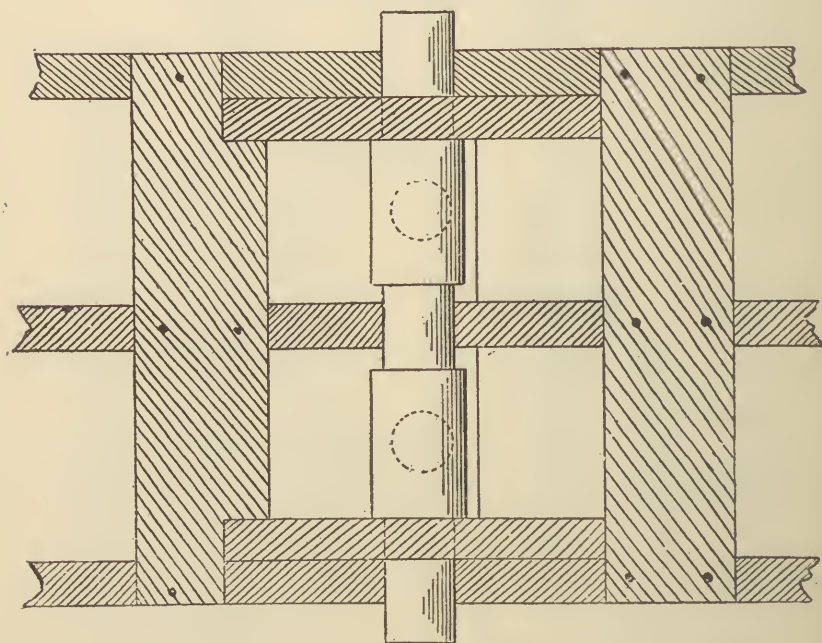
Plan looking down on pipe running in same direction as floor timbers



Gas Pipe in Breastwork



Front View



Back View.

Size of Pipes Connecting Gas Engines.

(d.) The sizes of pipes used in connecting gas engines will be as follows:

Horse Power.	Feet Per Hour.	Burners.	Size (in inches.)	Length (in feet.)
1	40	10	$\frac{3}{4}$	50
2	80	20	$\frac{3}{4}$	50
3	120	30	1	70
4	160	40	$1\frac{1}{4}$	100
5	200	50	$1\frac{1}{4}$	100
6	240	60	$1\frac{1}{4}$	100
7	280	70	$1\frac{1}{2}$	150
8	320	80	$1\frac{1}{2}$	150
9	360	90	$1\frac{1}{2}$	150
10	400	100	$1\frac{1}{2}$	150
11	440	110	2	200
12	480	120	2	200
13	520	130	2	200
14	560	140	2	200
15	600	150	2	200
16	640	160	2	200
17	680	170	2	200
18	720	180	2	200
19	760	190	2	200
20	800	200	2	200
21	840	210	$2\frac{1}{2}$	300
22	880	220	$2\frac{1}{2}$	300
23	920	230	$2\frac{1}{2}$	300
24	960	240	$2\frac{1}{2}$	300
25	1,000	250	$2\frac{1}{2}$	300
26	1,040	260	$2\frac{1}{2}$	300
27	1,080	270	$2\frac{1}{2}$	300

Gas not to be Turned on Until Piping and Fixtures Approved.

SECT. 30. Gas shall not be turned on in any building until the piping and fixtures have been approved by the building commissioner.

Connections with Gas Appliances.

SECT. 31. No connection for any gas appliance shall be made to any gas fixture on which any part of the piping thereon shall be less than three-eighths inch.

Rubber or Flexible Tubing not Allowed.

SECT. 32. Any gas appliance having a controlling gas cock on the same will not be approved by the Building Department if connected with rubber or flexible tubing.

Hose Cock and Independent Fitting.

SECT. 33. No hose cock or independent fitting that controls the gas supply to any appliance shall be nearer than six inches to any other cock.

The only appliances on which flexible tubing may now be used are portable lamps, irons, portable heaters and one-burner stoves.

There must be no cock, however, on appliances in any case.

Portable lamps may be connected to fixture arm as previously.

While gas irons may be connected to fixture arm or pendant, wherever possible connection should be made to gas range manifold.

CHAPTER 9.—ICE.

Sect.

1. Cities authorized to make ordinances relative to the inspection and sale of ice.
2. Sellers of ice in Boston shall annually by June 1 return answers to Health Commissioner's questionnaire.

Sect.

3. Sale for domestic uses of ice from polluted sources, or of contaminated ice in the City of Boston forbidden.

I.

STATUTES.

(1)

Cities Authorized to Make Ordinances Relative to the Inspection and Sale of Ice.

G. L., Ch. 40. SECT. 24. A city may make ordinances to secure the inspection of ice sold therein and to prevent the sale of impure ice, and affix penalties of not more than twenty dollars for each violation thereof.

1895, 338 R. L. 26, s. 18.

219 Mass. 121.

II.

REGULATIONS.

(2)

Sellers of Ice in Boston Shall Annually by June 1 Return Answers to Health Commissioner's Questionnaire.

Reg. May 9, 1900. It was unanimously voted to pass the following regulation respecting the collecting of and dealing in ice.

Ordered: That each party selling ice in Boston fill out over the signature of the chief clerk or other responsible officer of the party and return to the Board of Health at its office, Old Court House, Boston, Mass., on or before June 1, of each year, a blank of the following form:

1. Give the name and situation of each and every river, brook, pond or lake from which you cut ice, and the approximate number of tons you cut annually from each.

2. Give the name of each and every party from whom you take ice to sell and the approximate number of tons taken annually from each.

3. Give the situation of each and every storehouse, depot, agency, railroad terminal or other place from which you take your ice into vehicles for distribution in Boston.

4. Give the name of each and every party distributing ice in Boston to whom you regularly or occasionally supply ice, and the approximate number of tons supplied to each.

5. Do you classify the ice you sell as "For cooling purposes only, not to be used for drinking," etc.?

6. Do you sell "snow ice?"

7. Do you flood your ice field?

8. Do you have chemical analyses made for you of the water used or the ice therefrom?

9. Do you take precautions to maintain your sources of supply in good, clean and wholesome condition, and if so, what?

For penalty, query.

(3)

Sale for Domestic Uses of Ice From Polluted Sources, or of Contaminated Ice in the City of Boston, Forbidden.

Reg. July 24, 1909. It was voted to adopt the following regulation to take effect on and after this date:

Whereas, Ice by reason of a polluted or infected source, or by reason of unclean handling, may be delivered to customers for domestic uses in a condition which, in the opinion of the Board of Health, is liable to create sickness, it is hereby

Ordered, That no person, firm or corporation, shall in the city of Boston, sell, exchange, or deliver or have in his custody or possession with intent to sell, exchange, or deliver any ice from polluted sources, or ice which upon chemical or bacteriological examination shows evidence of sewage contamination, either by the presence of sewage bacteria or of excessive "ammonia" ("free" or "albuminoid," or of "nitrites," or which is visibly polluted or soiled by dirt, or ice in or upon which there is any visible foreign matter, or ice which has been handled with dirty hands or implements.

For penalty see G. L., ch. 111, s. 122.

References.

The state department of public health, upon written complaint of not less than twenty-five consumers of ice cut from any pond or stream and sold, or held for sale, alleging that said ice is impure and injurious to health, after notice to parties interested of time and place for hearing, and after hearing said parties, may make such orders relative to the sale of such ice as in its judgment the public health required. Such orders shall be served upon any person selling or offering for sale impure ice and may be enforced in equity by the supreme judicial or superior court. Whoever is aggrieved by any such order may appeal therefrom, etc. G. L. 94, ss. 160-162.

CHAPTER 10.—LAND WHICH IS WET, ROTTEN OR SPONGY, OR COVERED WITH STAGNANT WATER.

Sect.

1. Boards of health authorized to abate nuisance caused by land which is wet, rotten or spongy or covered with stagnant water, upon petition and hearing. Expense of abatement, how provided for.
2. Board to view premises, etc., upon petition of whoever is injured by such nuisance and applies to board for its abatement.
3. Board, if of opinion petition should be granted, to appoint a time and place for a hearing upon necessity and mode of abating nuisance, question of damages, etc. Reasonable notice to petitioners, etc., required.
4. Notice of hearing to be in writing. Service of notice. If the land upon which it may be necessary to enter, or which may be benefited by the abatement of the nuisance is unoccupied and owner or agent is unknown or out of state, the notice to such owner or agent may be served by posting copy upon premises, or by advertising in certain newspapers.
5. Board to hear parties and thereafter may, in its discretion, cause such nuisance to be abated in certain manner; and shall also determine the manner and at whose expense, such improvements shall be kept in repair; shall estimate and award damages and benefits, and the proportionate share of city and persons benefited, of making and keeping same in repair. Board to give notice of its decision forthwith in man-

Sect.

- ner required in preceding section and to same parties, and to the assessors of the city. Assessors to assess expense of making and keeping such improvements in repair, upon persons benefited; and same to be included in their taxes and to be a lien on land benefited, etc.
6. Appeal from adjudication of nuisance allowed parties entitled to notice if within 24 hours after being informed of such adjudication he claims appeal in writing to Board and within seven days files petition in Superior Court. Proceedings to be stayed pending appeal.
7. Appeal for jury trial from assessment of damages or benefits or of apportionment of expense, to be made within three months after notice thereof, first giving one month's notice to the city council, and particularly specifying objections therein. Application for jury to be made, in other respects, as in case of land taken for laying out highways, except that at trial, petitioner to be limited to the objections specified in his notice.
8. Board to make returns of its doings to City Clerk within thirty days after abatement of nuisance.
9. Petitioner for abatement of nuisance, authorized to apply to Superior Court for a hearing if board of health unreasonably refuses or neglects to proceed in matter of his petition. Superior Court, upon good cause shown, may appoint three commissioners who shall proceed in the manner hereinbefore provided.

I.

STATUTES.

(1)

Certain Land to be Deemed a Nuisance Which Board May Abate in a Certain Manner.

G. L., Ch. 111. SECT. 132. Land which is wet, rotten or spongy, or covered with stagnant water, so as to be offensive to residents in its vicinity or injurious to health, shall be deemed a nuisance, which the board of health of

the town where it lies, upon petition * and hearing, may abate in the manner provided in the seven following sections; but if the expense of abatement will exceed two thousand dollars, such abatement shall not be made without a previous appropriation therefor.

1868, 160, s. 1.

P. S. 80, s. 28.

1887, 338, s. 1.

R. L. 75, s. 75.

132 Mass. 71.

135 Mass. 490.

160 Mass. 486.

163 Mass. 240.

166 Mass. 399.

225 Mass. 467.

(2)

Board to View Premises Upon Application for Abatement of Nuisance.

G. L., Ch. 111. SECT. 133. Whoever is injured by such nuisance may, by petition describing the premises upon which it is alleged to exist and stating the nature of the nuisance complained of, apply to the board for its abatement; whereupon such board shall view the premises and examine into the nature and cause of such nuisance.

1868, 160, s. 2.

P. S. 80, s. 29.

R. L. 75, s. 76.

(3)

Hearing Upon Necessity and Mode of Abating Nuisance. Notice to Parties.

G. L., Ch. 111. SECT. 134. Upon such examination, if the board is of opinion that the petition should be granted, it shall appoint a time and a place for a hearing, first giving reasonable notice † thereof to the petitioners, to the persons whose lands it may be necessary to enter upon to abate the nuisance, and to any other persons who may be damaged or benefited by the proceedings, and to the mayor or the chairman of the selectmen, unless the selectmen constitute the board of health, that they may be heard upon the necessity and mode of abating such nuisance, the question of damages, and of the assessment and apportionment of the expenses of the abatement.

1868, 160, s. 3.

P. S. 80, s. 30.

R. L. 75, s. 77.

(4)

Form of Notice and Service Thereof.

G. L., Ch. 111. SECT. 135. Such notice shall be in writing, and may be served by any person authorized to serve civil process, by personal service upon the mayor or chairman of the selectmen, the petitioners, the owner or occupant of any land upon which it may be necessary to enter or which may be benefited by the abatement, or the authorized agent of such owner or occupant, or by leaving an attested copy of such notice at the last and usual place of abode of such persons; but if the land is unoccupied and the owner or agent is unknown

* Proceedings under this section are based upon the petition, and it seems that the extent of the improvements to be undertaken is limited to what is set out in the petition. *Grace v. Newton Board of Health*, 135 Mass. 490, 498, 499.

The petition must correctly describe, at least in substance, the sort of nuisance covered by this statute. Thus, where a nuisance is artificially created as by emptying sewage upon the surface of a private way and of abutting private land, the Board of Health has no authority, when acting under this section, to abate such a nuisance by extending the private drain in the private way through the abutting private land to a brook thereon, and by cleaning out the brook so that it would carry off the sewage. It may be dealt with under section 122. *Huse v. Amesbury*, 163 Mass. 240.

Without the previous notice and hearing required by this section, the order of the Board of Health abating nuisance is void. 132 Mass. 71.

† An assessment cannot be levied upon a person to whom notice of the hearing is not given, although he has actual knowledge that the work is being done. *Grace v. Newton Board of Health*, 135 Mass. 490; *Hall v. Staples*, 166 Mass. 399.

or out of the commonwealth, the notice to such owner may be served by posting an attested copy thereof upon the premises, or by advertising in one or more newspapers in such manner and for such length of time as the board may order.

1868, 160, s. 4.

R. L. 75, s. 78.

166 Mass. 399.

P. S. 80, s. 31.

(5)

Abatement of Nuisance. Notice of Adjudication. Assessment of Damages.

G. L., Ch. 111. SECT. 136. At the time and place appointed therefor, the board shall hear the parties, and thereafter may cause such nuisance to be abated by entering upon any land and by making such excavations, embankments and drains therein and under and across any ways as may be necessary; and shall also determine in what manner and at whose expense the improvements shall be kept in repair, shall estimate and award the damage sustained by and the benefit accruing to any person by reason of such improvements, and what proportions of the expense of making and keeping the same in repair shall be borne by the town and by the persons benefited thereby. The board shall forthwith give notice * of its decision, in the manner required in the preceding section, to the parties to whom notice is required to be given by section one hundred and thirty-four and to the assessors of said town. The expense of making and keeping such improvements in repair shall be assessed by the assessors upon the persons benefited thereby, as ascertained by said decision, shall be included in their taxes, shall be a lien upon the land benefited thereby, and shall be collected in the same manner as other taxes upon land. Apportionment of assessments under this section may be made and the parts thereof be collected as provided in chapter eighty.

1868, 160, s. 5.

R. L. 75, s. 79.

135 Mass. 490.

P. S. 80, s. 32.

1915, 46.

(6)

Appeal from Adjudication of Nuisance.

G. L., Ch. 111. SECT. 137. A person entitled to notice under section one hundred and thirty-four, who is aggrieved by the decision of said board or of the commissioners appointed under section one hundred and forty that the land described in the petition is a nuisance, may appeal therefrom to the superior court, if, within twenty-four hours after notice of such decision, he gives written notice to said board of his intention so to do, and within seven days thereafter files a petition in the superior court stating his grievance and the action of said board thereon, and enters into such recognizance as said court shall order. Said court may hear and determine such appeal, pending which all proceedings by the board of health relative to such nuisance shall be stayed.

1887, 338, s. 2.

R. L. 75, s. 80.

(7)

Appeal from Assessment.

G. L., Ch. 111. SECT. 138. Whoever is aggrieved by such decision in the award of damages or in the determination of benefits accrued or in the apportion-

* The Board of Health need not give a new notice of its intention to make an assessment under above section; if it has given notice of a hearing under section 134. 135 Mass. 490.

Damage to the petitioner's land, in order to be chargeable to the Board of Health, must be the result of the act of the Board of Health. The measure of damages is the difference between the fair market value of the land before the act of the Board of Health and such value afterward. Driscoll v. Taunton, 160 Mass. 486, 493.

ment of the expense may, within three months after notice thereof, petition the superior court under chapter seventy nine or chapter eighty, first giving one month's notice in writing to the mayor and aldermen or selectmen of his intention so to do, and particularly specifying therein his objections to said decision. Such petition shall otherwise be made in like manner and the proceedings thereon shall be the same as in case of land taken or betterments assessed under said chapters, respectively.

1887, 338, s. 3.
1919, 5, 1920, 2.

R. L. 75, s. 81.

1918, 257 s. 192: 285.

(8)

Board to Make Return.

G. L., Ch. 111. SECT. 139. The board shall, within thirty days after the abatement of such nuisance, make return of its doings to the town clerk, who shall record them in the town records.

1868, 338, s. 6.

P. S. 80, s. 33.

R. L. 75, s. 82.

(9)

**Appeal from Board's Refusal or Neglect to Consider Petition.
Appointment of Commissioners.**

G. L., Ch. 111. SECT. 140. If the board unreasonably refuses or neglects to proceed in the matter of said petition, the petitioner may apply to the superior court, which, upon a hearing and for good cause shown, may appoint three commissioners, who shall proceed in the manner provided in sections one hundred and thirty-three to one hundred and thirty-nine, inclusive.

1868, 160, s. 7.

P. S. 80, s. 34.

R. L. 75, s. 83.

CHAPTER 11.—LICENSES.

A.—BASEMENT OR CELLAR ROOMS OCCUPIED FOR LIVING OR SLEEPING PURPOSE IN TENEMENT HOUSES OR OTHER BUILDINGS.

Sect.

1. Conditions under which a room in the basement of tenement houses erected subsequent to Aug. 1, 1907, may be occupied for living purposes.
2. Conditions under which a room in a cellar of tenement houses erected subsequent to Oct. 1, 1914, may be occupied for living purposes.
3. Conditions under which a room on that floor of any house or building, which is below the surface of adjacent ground,

Sect.

- may be used for sleeping purposes. Record.
4. Health Commissioner authorized to exempt basement rooms from the technical requirements of this act, when of the opinion after an inspection and a report in writing, that such rooms are fit to be occupied for living and sleeping purposes. Certificate. File and record. Revocation.

I.

STATUTES.

(1)

Basements in Tenement Houses Hereafter Erected.

Acts 1907, Ch. 550. SECT. 68. In tenement houses erected subsequent to Aug. 1, 1907, no room in the basement shall be occupied for living purposes, unless all of the following conditions are complied with:

1. Such room shall be at least eight and one half feet high in every part from the floor to the ceiling.

2. There shall be appurtenant to such room the use of a separate water-closet, constructed and arranged as required by section sixty-nine.

3. Such room shall have a window or windows opening upon the street, an alley or open passageway not less than fifteen feet in width, a railroad right of way, cemetery or public park or upon a yard or court. The total area of windows in such room shall be at least one eighth of the floor area of the room, and one half of the sash shall be made to open full width, and the top of each window shall be within six inches of the ceiling.

4. The floor of such room shall be damp-proof and waterproof, and all walls surrounding such room shall be damp-proof.

For penalty see Acts 1907, ch. 550, s. 132 (Chap. 2, section 20 preceding).

(2)

Above Conditions Extended to Cellars of Tenement Houses Erected Subsequent to October 1, 1914.

Acts 1914, Ch. 628. SECT. 1. Clause 1. Section sixty-eight of chapter five hundred and fifty of the acts of the year nineteen hundred and seven is hereby amended by striking out the heading thereof, namely, the words, "Basements in Tenement Houses hereafter erected," and by inserting in place thereof the words,— Basements and cellars in Tenement Houses and other Buildings — by inserting after the word "basement," in the second line of said section, the words:— or cellar.

SECT. 2. This act shall take effect on the first day of October, nineteen hundred and fourteen.

(3)

Sleeping Rooms on a Floor Below Surface of Adjacent Ground. Conditions. Record of Permits.

Acts 1914, Ch. 628. SECT. 1. Clause 2. Section 68 of Chap. 550 of the Acts of the year 1907 is hereby amended . . . by adding at the end of said section the following:

No room on any floor of any house or building now existing or hereafter erected, which floor is in whole or in part below the highest point of the curb of a public street or way in front and within twenty-five feet of the outside wall, and no room on any floor thereof, which floor is in whole or in part below the highest point of the ground adjacent to such building and within fifteen feet thereof, shall be occupied for sleeping purposes unless all of the following conditions are complied with.

Shall Abut on Outside Wall.

(a) Such room shall on at least one side abut on an outside wall of said building for a space of at least seven feet.

To Have Window on Open Space.

(b) Such room shall have a window or windows opening directly upon an open space not less than fifteen feet square, and open from the ground to the sky without obstruction; such window or windows shall have a total area of not less than ten square feet and not less than one eighth of the floor area of said room, and both halves of the sash of each window shall be made to open to their full width, and the top of each window shall be within six inches of the ceiling.

Sixty Per Cent of Area to be Above Ground.

(c) At least sixty per cent of the area of any such room shall be above the level of the highest point of the ground within fifteen feet of the outside wall or walls of said room and in which the windows above required are situated.

To Have Waterproof Floor and Walls.

(d) The floor of such room and all walls surrounding such room shall be damp-proof and waterproof.

To be Eight and One-Half Feet High. Proviso.

(e) Such room shall be at least eight feet six inches in height in every part, from floor to ceiling; provided, that in tenement houses erected prior to the first day of August, nineteen hundred and seven, and in other houses and buildings erected prior to the first day of June, nineteen hundred and fourteen, it shall be sufficient if said room is seven feet in height over at least four fifths of its area.

To Have Separate Water-closet.

(f) There shall be appurtenant to such room, a water-closet, constructed and arranged as required by section sixty-nine, and used solely by the occupants of said room or by the household of which said occupants are members.

Permit from Board of Health.

(g) No such room shall be occupied for sleeping purposes without a permit from the board of health, such permit to be posted in a conspicuous place in the main room of the apartment. A record of all such permits shall be kept in the office of the board of health.

1885, 382, s. 17.

1871, 280, ss. 40, 41.

For penalty see Acts 1907, ch. 550, s. 132 (Chap. 2, section 20 preceding).

(4)

Board of Health Authorized to Exempt Basement Rooms from Technical Requirements. Certificate. File and Record. Revocation.

Special Acts 1915, Ch. 346. Section sixty-eight of chapter five hundred and fifty of the acts of the year nineteen hundred and seven, as amended by

section one of chapter six hundred and twenty-eight of the acts of the year nineteen hundred and fourteen, is hereby further amended by adding at the end thereof the following:

(h) Whenever basement rooms which do not comply with all the technical requirements of this act are, in the opinion of the board of health, supplied with sufficient light and ventilation and are suitable rooms for living and sleeping purposes, the board, after an inspection of the premises and a report in writing as to the area, capacity and other conditions, may issue a certificate to the owner of the building stating that, in the opinion of the board, such rooms are fit to be occupied for living and sleeping purposes. The issue of the said certificate shall operate as an exemption from the technical requirements of this section in all the particulars set forth in said certificate; provided, that said certificate is kept at all times posted in a conspicuous place in such room. A file and record of all such reports and certificates shall be kept in the office of the board of health. Said board may revoke the certificate if such room in its opinion, ceases to be suitable for the purposes named in the certificate.

REFERENCES.

1. "Basement" defined as that story of a building not more than forty per cent. of which is below the grade of the street. Acts 1907, ch. 550, s. 11 (as amended) par. 13.
2. "Cellar" defined as that part of a building more than forty per cent. of which is below the grade of the street, and in third class buildings that part of the building which is below the sills.

B.—CLAMS FROM CONTAMINATED FLATS, TAKING FOR BAIT.

Sect.

1. Taking of shellfish from contaminated waters regulated.
2. Local boards of health may grant permits to take clams or quahaugs for bait, etc.
3. Person holding permit to keep the same on his person, etc. Penalty.

Sect.

4. Penalty for violation of permit.
5. Penalty for sale, etc., of clams, or quahaugs, taken from polluted waters.
6. Penalties for the taking of shellfish from prohibited waters.

I.

STATUTES.

(1)

Taking of Shellfish from Contaminated Waters Regulated.

G. L., Ch. 130. SECT. 137. The department of public health may examine all complaints brought to its notice relative to the contamination of tidal waters and flats in the commonwealth by sewage or other causes, may determine, as nearly as may be, the bounds of such contamination, and, if necessary, mark such bounds. It may also, in writing, request the (state) director (of the Division of Fisheries and Game of the Dept. of Conservation) to prohibit the taking from such contaminated waters and flats of any shellfish. Upon receipt of such request, the director shall prohibit the taking of shellfish from such contaminated waters or flats for such period of time as said department may prescribe.

1901, 138, ss. 1, 2.

1919, 350, s. 96.

221 Mass. 323.

R. L. 91, s. 113.

The provisions of section 113 above described, that the order of the Commissioners on Fisheries and Game shall prohibit the taking of such shellfish from

such contaminated waters or flats “for such period of time as the state board of health may prescribe” does not require that the State Board of Health in its request nor the commissioners in their order shall state when the prohibition shall cease, but means only that the prohibition shall remain in force until the State Board of Health becomes satisfied that the contamination has ceased.

Commonwealth v. Feeney, 221 Mass. 323.

(2)

Local Boards of Health May Grant Permits to Take Clams or Quahaugs for Bait, etc.

G. L., Ch. 130. SECT. 138. When the director has so prohibited the taking from contaminated waters or flats in any city or town of any shellfish, the local board of health may grant written permits to any person to take from such waters clams or quahaugs to be used for bait only, and in such quantities and upon such conditions as it shall express in the permit.

1907, 285, s. 1.

(3)

Person Holding Permit to Keep the Same on His Person, etc.—Penalty.

G. L. Ch. 130. SECT. 139. Whoever holds a permit under the preceding section shall keep it in his possession, and on his person, while acting thereunder, and shall at all times display it upon the request of any person authorized to enforce sections one hundred and thirty-eight to one hundred and forty-one inclusive. Violation of this section shall be punished by a fine of not less than ten nor more than fifty dollars, and in addition the permit shall be revoked and shall not thereafter be issued within one year.

1907, 285, s. 2.

(4)

Penalty for Violation of Permit.

G. L. Ch. 130. SECT. 140. Whoever violates any provision of such permit shall forfeit the permit and shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than three months, or both.

1907, 285, s. 3.

(5)

Penalty for Sale, etc., of Clams, or Quahaugs, Taken from Polluted Waters.

G. L. Ch. 130. SECT. 141. Whoever sells, or exchanges, or exposes or offers for sale or exchange, or buys any clams or quahaugs, taken from waters or flats prescribed as contaminated under section one hundred and thirty-seven shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than three months, or both.

1907, 285, s. 4.

(6)

Penalties for the Taking of Shellfish from Prohibited Waters.

G. L. Ch. 130. SECT. 142. Whoever not having a permit therefor takes any shellfish from tidal waters or flats proscribed as contaminated under section

one hundred and thirty-seven shall for the first offence forfeit not less than five nor more than ten dollars and for a subsequent offence forfeit not less than fifty nor more than one hundred dollars; but such penalties shall not be incurred until one week after the director has caused notice of such proscription, with a description, or the bounds, of the tidal waters or flats to which such proscription applies, to be published in a newspaper published in the town or county in which or adjacent to which the tidal waters or flats to which such proscription applies are situated.

1901, 138, s. 3.

R. L. 91, s. 114.

221 Mass. 323.

C.—HENS, GOATS AND SWINE. PERMITS FOR THE KEEPING OF.

Sect.

1. Keeping of live fowl, etc., prohibited except in accordance with permit from Health Commissioner.

Sect.

2. Construction of words of prohibition.
3. Rules governing the keeping of hens in Boston.

I.

ORDINANCES.

(1)

Keeping of Live Fowl, Etc. Permit Required.

R. O., 1914, Ch. 40. **SECT. 4.** No person shall keep any live fowl, swine or goats, except in accordance with a permit from the board of health.

For penalty see R. O. 1914, ch. 40, s. 92.

(2)

Construction of Words of Prohibition.

R. O. 1914, Ch. 1. **SECT. 4.** The following rules of construction shall be observed for this and every other ordinance, unless inconsistent with the manifest intent of the city council or the context of the ordinance:

Fourteenth: Words prohibiting anything from being done, except in accordance with a license or permit or authority from a board or officer, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done.

II.

RULES.

(3)

Conditions Under Which Hens May be Kept in Boston.

Adopted June 25, 1914; amended March 8, 1915, May 3, 1915, May 1, 1919, and March 30, 1921. Permits to keep any live fowl or

fowls, issued by the Health Commissioner under the provisions of section 4, chapter 40, Revised Ordinances, will be issued subject to the following conditions.

(1) A fee of one dollar will be paid before issue of the permit and before each annual renewal thereof.

(2) The permit will expire on March 31 following its issue, unless revoked before that time.

(3) No live rooster will be kept unless authorized in writing by the Health Commissioner.

(4) No hens will be kept within twenty-five feet of any dwelling other than the dwelling occupied by the applicant, without the written consent of the owner and occupant of such dwelling, filed annually in the Health Department; nor on any lot on which is located a dwelling occupied by three or more families unless the owner lives on the premises.

(5) All live hens will be kept in properly fenced enclosures, approved by the Health Commissioner.

(6) No garbage or refuse food will be fed to hens unless it be put into a proper receptacle, which will be kept clean, or fed upon a cement or other waterproof surface that will be frequently flushed and will be kept clean.

(7) The surface of the yard and the hen house will be kept clean and free from odor.

(8) All coops, hen houses and other structures, and all appurtenances thereto, will be of substantial construction and so arranged, placed and maintained as not to afford a harbor, shelter or food for rats. Such coops, hen houses, structures and appurtenances will be

(a) Kept dry, well ventilated and with windows so placed as, if possible to admit sunlight.

(b) Keep well whitewashed within.

(c) Cleaned at least once a week between November 1 and April 30, inclusive, twice a week between May 1 and October 31, inclusive, and oftener if necessary.

(d) Perches will be kept clean; and

(e) Nests will be movable and cleaned, aired and sunned at frequent intervals.

(9) Drinking fountains will be kept clean and will be supplied at all times with water.

(10) Premises where hens are kept will always be maintained in a condition satisfactory to the Health Commissioner.

(11) The permit may be revoked at any time by the Health Commissioner, in his discretion.

(12) All statutes and ordinances and the conditions stated in permit will be conformed to.

(13) The City shall be indemnified and saved harmless from any damage it may sustain, or be required to pay, by reason of the work permitted.

(14) Any other or further conditions which may be adopted by the Health Commissioner from time to time will be observed.

D.—HORSES, BUSINESS OF KILLING. RENDERING OF HORSES AND OTHER ANIMALS.

Seet.

1. Killing and rendering of horses, etc. Application for license. Board of health authorized to grant licenses. Conditions. Record. Board to notify state

director of animal industry of licenses. Fee. Revocation. Duties of licensees. Report of infected animals. Prohibition. Exemption. Penalty.

I.

STATUTES.

(1)

Killing and Rendering of Horses, etc.

G. L. Chap. 111. SECT. 154. A person engaged in or desiring to engage in the business of killing horses, or in the rendering of horses or other animals, shall annually in March apply for a license to the board of health of the town where such business is carried on. The application shall be in writing and signed by the persons desiring to carry on such business, or, if the applicant is a corporation, by a duly authorized officer thereof. It shall contain the names in full and the addresses of all persons desiring to carry on such business, or, if a corporation is the applicant, the names of all its officers, and the street or other place where the business is to be conducted.

Board of Health Authorized to Grant Licenses. Conditions.

The board of health of a town may grant such licenses after it is satisfied that the applicants have a suitable building and plant in a situation approved by said board, and that they have suitable trucks or wagons for the removal of dead animals. The license shall state the name of the licensee, the situation of the building or establishment where the business is to be carried on, and shall continue in force until April first of the year next ensuing unless sooner revoked.

Record. Board to Notify State Director of Animal Industry of Licenses. Fee. Revocation.

The board of health shall keep a record of such licenses granted by it, and shall notify the director of animal industry of the granting of any such license, giving the name and address of the licensee. The fee for a license shall not exceed one dollar, and a license may be revoked at any time by the board of health.

Duties of Licensees. Report of Infected Animals. Prohibition Exemption.

Licensees shall report to the director of animal industry, in such form and at such times as he may order, every animal received by them which is infected with a contagious disease. No unlicensed person shall carry on the business of killing horses or of rendering horses or other animals. So much of section 30 of chapter 129 as provides that no person shall knowingly sell an animal with a contagious disease shall not apply to any person who sells such animal to a licensee under this section, if such animal is to be killed or rendered at the establishment of such licensee.

Penalty.

Whoever violates this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than three months, or both.

1901, 134.

1907, 243.

185 Mass. 448.

R. L. 75, s. 111.

1912, 608, s. 1, 3.

1902, 116, s. 1, 3.

1919, 350, s. 39, 44.

References.

Sect. (1.) Par. 1. Melting or rendering establishment prohibited without written permission of the mayor and city council. Gen L. 111, s. 151. It seems, an establishment for rendering and melting grease comes within the provisions of section 151 but not of section 154. Section 154 refers to horses or other large animals whose bodies are received before they are dismembered. Cambridge v. John C. Dow Co., 185 Mass. 448.

Sect. (1.) Par. 2. Rendering animal matter (except fresh tallow) prohibited within the limits of the city of Boston, except at such places as may be assigned by the Board of Health. Reg Oct. 12, 1896, as amended (section 10 of chapter 15 of Part V following).

E.—MANICURING, MASSAGING, AND GIVING OF VAPOR BATHS.

Sect.

1. License required. Boards of health authorized to grant licenses and make rules and regulations. Revocation. Proviso.
2. Police may inspect premises.
3. Penalty.
4. Rules and regulations governing the practice of manicuring and massage, and the giving of vapor baths:
 1. Applications:
 - a. To Health Commissioner on blanks furnished.
 - b. Application of minor.
 - c. Separate application for each occupation required. Kind of massage to be specified.
 - d. Fee. Issuance of annual license.
 - e. Change of address.
 - f. Evidence of fitness, training and experience.
 - g. Good character and freedom from disease to be a condition of the license.
 2. Place of business to be well lighted and ventilated. Use as a bed room unless authorized, forbidden. Proviso.
 3. Premises to be provided with adequate supply of running water, etc., and to be kept clean.
 4. Facilities for cleaning and sterilizing instruments to be provided.

Sect.

4. 5. Premises to be so located as to afford adequate fire protection and to be easy of access.
6. Instruments, etc., to be kept clean and sterile.
7. Robes, etc., after use to be laundered, etc.
8. Vibrators, etc., to be covered with a clean towel, etc.
9. Use of sponge, etc., regulated.
10. Treatment of persons afflicted with skin eruption.
11. Cleansing of hands prescribed.
12. Hours of business of manicuring and massage, regulated.
13. Certificate to bear signature of licensee and to be shown upon request of officer.
14. Use of name regulated.
15. Terms for the continuance of license prescribed.
16. License to be valid only in respect to the address named. Notice of removal required.
17. License for vapor bath establishment not to be issued until adequate facilities provided, etc., nor until satisfactory proof has been furnished as to training and experience.
18. License for vapor bath establishment not to be issued until adequate arrangements for the separation of the sexes made, etc.

I.

STATUTES.

(1)

License Required. Board of Health Authorized to Grant License and to Make Regulation. Revocation. Proviso.

G. L., Ch. 140. SECT. 51. No person shall practice manicuring or massage, or conduct an establishment for the giving of vapor baths for hire or reward, or advertise or hold himself out as being engaged in the business of manicuring, massage or the giving of said baths without receiving a license therefor from the board of health of the town where the said occupation is to be carried on. The board of health may grant the license upon such terms and conditions, and may make such rules and regulations in regard to the carrying on of the occupation so licensed, as it deems proper, and may revoke any license granted by it for such cause as it deems sufficient, and without a hearing; provided, that a person licensed to massage or to conduct an establishment for the giving of vapor baths in any town may, at the request of a physician, attend patients in any other town in the commonwealth without taking out an additional license.

1911, 443, s. 1.

1912, 155, s. 1.

For penalty see (3) following.

(2)

Police Authorized to Inspect Premises.

G. L., Ch. 140. SECT. 52. Members of the police department of any town may enter and inspect any premises in that town used for manicuring or massage or the giving of vapor baths.

1911, 443, s. 2.

(3)

Penalty.

G. L., Ch. 140. SECT. 53. Whoever violates any provision of section fifty-one, or any rule or regulation made under authority thereof, or prevents or hinders any member of a police force from exercising the authority conferred upon him by section fifty-two, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or both.

1911, 443, s. 3.

II.

REGULATIONS.

(4)

Relative to Manicure, Massage and Vapor Baths.

Reg. Apr. 14, 1920. (As amended November 20, 1923.) Ordered: That the practice of manicuring and massage, and the conducting of establishments for the giving of vapor baths, be governed by the following terms, conditions, rules and regulations:

Applications.

1. Applications for licenses to practice manicuring or massage, or to conduct establishments for the giving of vapor baths for hire

or reward, or to advertise or hold one's self out as being engaged in the business of manicuring, massage or the giving of vapor baths, in the City of Boston shall be made as follows:

(a.) Application shall be made to the Health Commissioner, on an application blank furnished by the Health Department, and shall supply in proper form all information called for by the blank so furnished.

(b.) The application of a minor must be accompanied by a written letter or statement showing that the application has been made with the knowledge and consent of the minor's parent or guardian.

(c.) If an applicant desires to engage in the practice of manicuring and also of massage, and also to conduct an establishment for the giving of vapor baths, or to engage in any two of the pursuits named, a separate application shall be filed for each. Inasmuch as the word "massage" includes facial, scalp, and every other form of massage, as well as general or medical massage, the application must show which form or forms of massage the applicant desires to practice; and each license will state what form or forms of massage the licensee is authorized to practice, and will authorize him to practice no other.

(d.) On the approval of any application by the Health Commissioner, and on the payment by the applicant of a fee of one dollar (\$1) for each license, a license will be issued authorizing the licensee to continue in business until the 31st day of May next following the issue of the license, unless such license be sooner revoked.

(e.) Upon request of any licensee, and without the renewal of his license, the place or places where he is authorized to conduct his business may be changed, if the new place to which he purposes removing is suitable; but any such change must be authorized, before it is made, by a proper endorsement by the Health Commissioner on the license.

(f.) Every application for an original license, as distinguished from an application for the renewal of a license, shall be accompanied by evidence, satisfactory to the Health Commissioner, of moral and physical fitness, and of training and experience, adequate to enable the applicant to engage in the calling that he desires to pursue; and any licensee whosoever may at any time be required to furnish additional evidence of such fitness, training and experience.

(g.) Every person holding a license to practice manicuring, or massage, or to conduct an establishment for the giving of vapor baths, shall be of good moral character, and free from any disease, or drug or other habit, which may from the standpoint of public welfare unfit him to engage in such calling; and the granting and continuance of a license shall be conditioned upon the ability of any licensee to furnish evidence satisfactory to the Health Commissioner that he is qualified within the meaning of this paragraph.

Light and Ventilation. Use as Bedroom, Regulated. Proviso.

2. All rooms used in the conduct of the business by any person licensed to practice manicuring or massage, or to conduct an estab-

lishment for the giving of vapor baths, shall be well lighted and ventilated; and no such room shall be used or equipped for use as a bedroom unless the use of such room as a bedroom has been specially authorized by the Health Commissioner; provided, however, that this section shall not be construed to prevent the manicuring or massage of any person, or the giving of a vapor bath to any person, in his own proper place of abode or in any hospital or other place for the treatment of the sick.

Hot Water Supply. Cleanliness of Furniture, etc.

3. The room or rooms occupied by any person licensed to practice manicuring or massage, or to conduct an establishment for the giving of vapor baths, shall be provided with an adequate supply of running water and an adequate supply of hot water constantly during hours of business; and every such room, and all furniture and equipment therein, shall be kept clean at all times.

Cleaning and Sterilizing Instruments.

4. The room or rooms occupied by any person licensed to practice manicuring or massage, or to conduct an establishment for the giving of vapor baths, shall be provided with adequate cleaning and sterilizing facilities for the cleaning and sterilizing of all instruments and utensils, and for cleaning, and if necessary sterilizing the skin or flesh of the patrons.

Location of Rooms. Fire Protection. Exits.

5. Every room used for the reception or treatment of the patrons shall be so located and arranged as to afford adequate fire protection and means of escape in case of fire, and to be easy of access to any legally authorized public officer.

Certain Instruments to be Kept Clean.

6. All instruments and devices used by any person licensed to practice manicuring or massage, or to conduct an establishment for the giving of vapor baths, for direct application to the nails and fingers or to other parts of the bodies of patrons, or for holding materials to be applied to the nails and fingers or other parts of the bodies, shall, so far as practicable, be such as can readily be kept clean and sterile, and shall be kept clean and as nearly sterile as circumstances permit. Adequate provision shall be made for cleaning and sterilizing the same.

Laundering.

7. Robes, sheets, blankets, and pillow cases, which come into direct contact with the bodies of the patrons, and all towels and

napkins shall after having been used and before being used again be laundered in such a manner as to insure effective sterilization.

Application of Certain Instruments to Skin Forbidden.

8. No unsterilized part of a percussor, vibrator, or other mechanical appliance shall be applied directly to the skin of a patron, but the part of the body being treated shall be covered with a clean towel or else the instrument shall be covered in similar manner.

Use of Certain Articles Forbidden.

9. No sponge, nor stick alum, nor any other article liable to convey infection shall be used to make application direct to the skin or to any cut or wound.

Persons Afflicted With Skin Eruption.

10. No person licensed to practice manicuring or massage or to conduct an establishment for the giving of vapor baths shall treat any person afflicted with any skin eruption or disease unless such person shall have furnished a certificate from a physician to the effect that the eruption or disease is not of a contagious or transmissible character.

Cleanliness of Hands.

11. Every person licensed to practice manicuring or massage shall thoroughly cleanse his hands by washing immediately before serving any patron.

Hours of Business.

12. No establishment for manicuring or the giving of massage shall be kept open except between the hours of 7 o'clock a. m. and 10 o'clock p. m., unless specially authorized by the Health Commissioner.

Certificate.

13. Every person licensed to practice manicuring or massage or to conduct an establishment for the giving of vapor baths will be given a certificate to that effect, which shall bear the signature of the licensee; and the licensee shall keep this certificate in his possession whenever and wherever he may be engaged in the practice of manicuring, massage, or the giving of vapor baths, and when requested shall show such certificate to any legally authorized public officer.

Use of Name.

14. No person licensed to practice manicuring or massage or to conduct an establishment for the giving of vapor baths shall operate under any name or conduct his business under any designation not specified in his license; and in every case in which any

person or establishment does operate under any name other than the licensee, the name of the licensed proprietor or manager shall be displayed in all signs and advertisements in connection with the trade or commercial name.

Continuance of License Condition.

15. The continuance of any license now in force or hereafter granted is conditioned upon the observance by the licensee of all laws, ordinances and regulations, orders, terms, and conditions relating to the conduct of the business and also upon the licensee's ability to produce at any time evidence satisfactory to the Health Commissioner of the licensee's moral and physical fitness and personal qualifications to practice manicuring, massage, or conduct an establishment for the giving of vapor baths. A license may also be revoked if any false statement has been made in the application for such license.

Notice of Removal.

16. A license is valid only with respect to the address or addresses named in the license, and in order that a license may be continued in force after any removal from that place it is necessary that the Health Commissioner be notified in writing by the licensee of any proposed change and that he approve the same.

Vapor Bath Establishments.

17. No license will be issued to conduct a vapor bath establishment until it shall be shown to the satisfaction of the Health Commissioner that adequate facilities for the giving of such baths have been or are to be provided, nor unless nor until it shall appear to the satisfaction of the Health Commissioner that the person who is to administer such baths has adequate training and experience with respect to their administration.

*Separation of the Sexes in Massage and Vapor Bath Establishments—
Restrictions on License.*

18. No license will be issued to practice massage, or to conduct an establishment for the giving of vapor baths, unless or until adequate arrangements have been made for the separation of the sexes, and then only upon the condition that no male operator will work upon a female patient, and no female operator will work upon a male patient, and further that the license at all events will issue only in accordance with such conditions, relative to the subject matter of this section, or any other section of these rules and regulations, as may be prescribed in the license to accomplish the desired end.

For penalty see (3) preceding.

F.—SLAUGHTER HOUSES. BUILDINGS USED FOR MELTING AND RENDERING ESTABLISHMENTS, AND OTHER OFFENSIVE TRADES.

Sect.

1. Business of slaughtering cattle, etc., and of melting and rendering, etc., regulated. License required. Exemption.
2. Hearing before State Department of Public Health. Authority to prohibit. Penalty.
3. Superior court authorized to enforce orders of State Department of Public Health.

Sect.

4. Curing or storing of hides or horns in Boston forbidden from April 1 to November 1, except with a permit from the Health Commissioner.
5. Terms and conditions of permit to cure or store hides or horns.

I.

STATUTES.

(1)

Slaughtering Cattle, etc., Rendering.

G. L., Ch. 111. SECT. 151. No person shall occupy or use a building for carrying on the business of slaughtering * cattle, sheep or other animals, or for a melting or rendering establishment, or for other noxious or offensive trade and occupation, or permit or allow said trade or occupation to be carried on upon premises owned or occupied by him, without first obtaining the written consent and permission of the mayor and city council, † or of the selectmen, or in any town having a population of more than five thousand, of the board of health, if any, of the town where the building or premises are situated. This section shall not apply to any building or premises occupied or used for said trade or occupation on May 8, 1871; but no person who used or occupied any building or premises on said date for said trades or occupations shall enlarge or extend the same without first obtaining the written consent and permission of the mayor and city council or the selectmen, or, in any town having a population of more than five thousand, of the board of health, if any.

1692-3, 23, s. 1.

1871, 167, s. 1.

R. L. 75, s. 108.

1696, 13.

1874, 308.

For penalty see s. 152.

1710-11, 8, s. 1.

P. S. 80, s. 92.

109 Mass. 315.

1785, 1, s. 1.

1893, 106.

114 Mass. 353.

R. S. 21, s. 47.

1897, 428, s. 2.

185 Mass. 448.

(2)

Hearing Upon Application.—State Department of Public Health.—Penalty.

G. L., Ch. 111. SECT. 152. If any buildings or premises are so occupied or used, the (state) department (of public health) shall, upon application, appoint a

* "The business of slaughtering shall not be conducted within the limits of the city of Boston, except upon the premises of the Butchers Slaughtering and Melting Association in said city." Acts 1876, 144, s. 2 (section 3 of chapter 5 of Part V following).

† The business of rendering horses and other large animals shall not be carried on without a license from the board of health. Gen. L. 111, s. 154, (chapter 10 preceding). It seems an establishment for rendering and melting grease comes within the provisions of the above section 151 and not of section 154, 185 Mass. 448. These establishments for rendering and melting grease in the City of Boston are licensed by the Health Department. Opinion, Corporation Counsel.

NOTE.—The exemption of buildings so used May 8, 1871, covers also new buildings erected in place of the old buildings, to be used for the same business in the same place without enlargement. Watertown v. Sawyer, 109 Mass. 320 Somerville v. O'Neill, 114 Mass. 353.

time and place for hearing the parties, and after due notice thereof to the party against whom the application is made and a hearing, may, if in its judgment the public health, comfort or convenience so require, order any person to desist from further carrying on said trade or occupations in such buildings or premises; and no person shall thereafter continue so to occupy or use such buildings or premises. Whoever occupies or uses any building or premises in violation of this or the preceding section shall forfeit not more than two hundred dollars for every month of such occupancy or use and in like proportion for a shorter time.

1710-11, 8, s. 2.

1874, 308.

R. L. 75, s. 108, 109.

1785, 1, s. 2.

P. S. 80, s. 92, 93.

109 Mass. 320.

R. S. 21, s. 48.

1886, 101, s. 4.

125 Mass. 182.

1871, 167, s. 112.

1893, 106.

181 Mass. 565.

NOTE.—The power of prohibition granted to the state department of public health under the above section is not exclusive but local boards have the same power, 181 Mass. 566. The above section gave to the State Board of Health the power already given to local boards by section 143. The only difference is that the State Board of Health is required to give notice and a hearing before passing order of prohibition which is subject to the right of appeal for a jury. Sawyer v. State Board of Health, 125 Mass. 182.

(3)

Superior Court Authorized to Enforce Orders of State Department of Public Health.

G. L., Ch. 111. SECT. 153. The superior court may restrain the unauthorized occupancy, use or extension of any building or premises occupied or used for the trades or occupations aforesaid, and enforce the orders of the department issued under the preceding section; but this and the two preceding sections shall not impair any other remedies against nuisances.

1871, 167, s. 3.

R. L. 75, s. 110.

185 Mass. 448.

1874, 290.

109 Mass. 315.

P. S. 80, ss. 94, 95.

116 Mass. 254.

II.

REGULATIONS.

(4)

Curing or Storing of Hides and Horns, Regulated.

Reg. May 7, 1875. Ordered, That from the first day of April to the first day of November, no green hides or horns shall be cured, stored, or be suffered to remain within the limits of the city, without a written permit from the Board of Health.

For penalty see Gen. L., ch. 111, s. 122 (Chap. 14, sect. 1 following.)

(5)

Terms and Conditions of Permit to Cure or Store Hides and Horns.

1876 Annual Report 19. Green or green-salted hides or skins shall not be stored in any place other than the basement of the building. The floor of the basement shall be made perfectly tight and impervious to liquids, with proper pitch so that all liquids and

filth shall readily escape from the floor into a suitable drain. The floors shall be kept at all times in a neat and cleanly condition and so disinfected that no offensive odors shall arise therefrom.

Such hides and horns shall not at any time be suffered to remain in or upon any street, place or sidewalk.

The horns shall be immediately removed and placed in brine.

Any violation of the above conditions will be sufficient cause for the revocation of the permit.

G.—STABLES.

Sect.

1. Use of buildings in Boston for stables prohibited unless licensed by the Health Commissioner. Proviso.
2. Penalty.
3. License to be construed to extend to subsequent occupants until otherwise ordered by Health Commissioner.
4. Use of building for livery stable within 200 feet of a church prohibited, without the written consent of religious society worshipping therein. Proviso.
5. Stabling horse, etc., above first floor without certain exits and fire protection, prohibited. Penalty.
6. Buildings within forty feet of adjoining property not to be used for a stable unless authorized by the Health Commissioner after a public hearing. Notice.

Sect.

7. Construction of stables outside the building limits, prescribed.
8. Drainage construction.
9. Storage of manure, regulated.
10. Removal of manure forbidden without a permit from the Health Commissioner and in a tight vehicle.
11. Keeping of cows, regulated.
12. Stables within 100 feet of certain parks.
13. Requirements for cow stables. Light and ventilation, etc., cleanliness.
14. Rules governing the issuance of stable permits. Conditions.
15. Second petition for same location.
16. The handling, storing and transportation of manure, regulated.

I.

STATUTES.

(1)

The Use of Buildings in the City of Boston for Stables. Regulated.

Acts 1889, Ch. 89. SECT. 1. (As amended 1897, 300, Sect. 1). No person shall hereafter occupy or use any building in the city of Boston for a stable unless such use is authorized by the board of health of such city, and in such case only to the extent so authorized, provided that this act shall not prevent any such occupation and use authorized by* law on March 8, 1889.

1889, 369.

1878, 192.

For penalty see (2).

* In Boston any stable occupied or used from September 9, 1869 to March 8, 1889 (date of above act) required a permit from the Board of Aldermen. Acts 1869, 369. Prior to September 9, 1869, no license was required except for livery stables and the keeping of more than four horses.

In suburbs annexed to Boston, the authorization required for stables prior to annexation was as follows:

Dorchester annexed January 3, 1870. License required only in the case of livery stables and the keeping of more than four horses.

Charlestown, Brighton and West Roxbury annexed January 5, 1874. License required only for the keeping of more than four horses.

Hyde Park annexed January 1, 1912. License required for all stables since 1890, prior to 1890 license required only for the keeping of more than four horses.

(2)

Penalty.

Acts 1889, Ch. 89. SECT. 2. Any person violating any provision of this act shall be liable to a fine not exceeding five dollars for each and every day that such violation continues, and any court having jurisdiction in equity may restrain such use and occupation.

(3)

License.—How Construed.

Acts 1897, Ch. 300. SECT. 4. In any case in which a person has been or after April 23, 1897, shall be granted a license or other authority to use a stable on any land in the city of Boston, such authority shall be construed to mean a license or authority to any person thereafter occupying the land, to occupy and use a stable on such land until otherwise ordered by the board of health of said city.

NOTE.—A license to erect and use a stable without limit of time is not revocable where there has been no violation of its terms. *Lowell v. Archambault*, 189 Mass. 70.

(4)

Stables in Vicinity of Churches.

G. L., Ch. 111. SECT. 156. No person shall in a city occupy or use a building for a livery stable, or a stable for taking or keeping horses and carriages for hire or to let, within two hundred feet of a church or meeting house erected and used for the public worship of God, without the written consent of the religious society of parish worshipping therein; but this section shall not prevent such occupation and use if authorized by law * on May seventeenth, eighteen hundred and ninety-one, to the extent then authorized.

1891, 220, ss. 1-3.
R. L. 102, s. 70.

For penalty see Gen. L. 111
s. 157.

(5)

Stabling Horse Above First Floor, Regulated.—Penalty.

G. L., Ch. 272. SECT. 86. Whoever stables a horse or mule on the second or any higher floor of any building, unless there are two means of exit therefrom, at opposite ends of the building, to the main or street floor, unless such building is equipped with an automatic sprinkler system, shall be punished by a fine of not more than two hundred dollars.

1916, 158, s. 1-3.

(6)

Stables within Forty Feet of Abutter.

Acts 1907, Ch. 550. SECT. 13 (as amended), Par. 20. No building within forty feet of the property of any adjoining owner shall be erected for or converted to use as a stable, unless such use is authorized by the board of health

* In Boston from February 23, 1811 to 1860, the use of a building as a livery stable within 170 feet of any church or meeting house was prohibited (Acts 1811, 124), but from 1860 to May 17, 1891, such use was allowed, when consented to "in writing by the proprietors of such church or meeting house, or of the religious society or parish worshipping therein and by the Mayor or aldermen of the City of Boston." (Acts 1860, 109.)

A stable which is let out in specified parts to tenants who take care of their own horses is not a livery stable within the prohibition of this section. *Congregation Beth Israel 51. O'Connell et al.*, 187 Mass. 236.

after a public hearing. Written notice of such hearing shall be given to the adjoining owners, and published at least three times in at least two newspapers published in Boston, ten days at least before the hearing.

For penalty see 1907, 550, s. 132 as amended (chapter 2, section 20, preceding).

(7)

Stables Outside Building Limits.

Acts 1907, ch. 550. SECT. 17 (as amended), Par. 8. Buildings outside the building limits and adapted exclusively for manufacturing, storage, mechanical or stable purposes, may be built under such conditions as the building commissioner shall prescribe. If of wood such buildings shall not exceed forty-five feet in height.

For penalty see under (6) above.

(8)

Drainage Construction.

Acts 1907, ch. 550. SECT. 117, Par. 6. The drainage of stable fixtures shall be constructed according to plans approved by the building commissioner.

For penalty see under (6) above.

II.

ORDINANCES.

(9)

Storage of Manure.

R. O. 1914, Ch. 40. SECT. 5. No owner or occupant of a building shall permit any manure to be therein, unless such building is used as a stable, or in that case permit more than two cords of manure to accumulate or remain therein; nor shall any person permit any manure to remain uncovered on his grounds outside of his building, or permit his building or any grounds connected therewith to be foul or unclean.

For penalty see R. O. 1914, ch. 40, s. 92.

(10)

Removal of Manure.

R. O. 1914, Ch. 40. SECT. 6. No person shall remove manure, or cause or suffer the same to be removed, except in accordance with a permit from the board of health, and except in a tight vehicle with a canvass cover so secured to the sides and ends as to prevent manure from dropping while being removed.

For penalty see under (9) above.

(11)

Keeping of Cows.

R. O. 1914, Ch. 40. SECT. 7. No person shall keep or allow to be kept in any building or on any premises of which he may be the owner or occupant, within the building limits of the city, more

than one cow for each three thousand feet of land in said building or premises, except in accordance with a permit from the board of health and no person shall keep or allow to be kept in any building or on any premises of which he may be the owner or occupant, any cow, unless such building or premises be kept clean and wholesome.

For penalty see under (9) above.

(12)

Stables Within 100 Feet of Certain Parks.

Ord. 1922, Ch. 5. SECT. 1. No building hereafter erected or altered upon land within a distance of one hundred feet from any park or parkway in the city of Boston, except, however, Boston Common and the Public Garden and Commonwealth Avenue from its junction with Beacon Street and the dividing line between the city of Newton and the city of Boston, shall be used for a livery or public stable . . . and no roof shall be used for laundry or clothes-drying purposes. (Approved October 13, 1922.)

III.

REGULATIONS.

(13)

Cow Stables, Requirements for.

Light and Ventilation, Etc.

Reg. Apr. 26, 1892. SECT. 1. No person shall use any building as a stable for cows unless it contains at least one thousand cubic feet of space for each animal, is well lighted and ventilated, has tight roof and floors, good drainage, a supply of pure water, and all other necessary means for maintaining the health and good condition of the cows, and has been approved by the Board of Health.

Cleanliness.

SECT. 2. Every person using any such building shall keep the same, and the premises connected therewith, and all land used for pasturage of the cows, clean and free from filth.

For penalty see G. L., Ch. 111, s. 122.

(14)

Rules Governing the Issuance of Stable Permits.

Conditions.

Vote, June 18, 1890. (As amended April 29, 1901.) No permission to occupy a stable will be granted until the following conditions have been complied with:

- a. The stable must be erected and complete in all its appointments.
- b. Provision made for storing manure in a cart or in barrels for removal as often as every forty-eight hours.

- c. The ventilating, lighting and draining of the stable must be satisfactory to the Board.
- d. The erection of the stable must be begun within ninety days from date of permit (if not already erected) and prosecuted to completion.
- e. The position of the stable must be in accordance with the plan on file in the office of the Board.

(15)

Second Petition for Same Location.

Vote, April 8, 1904. A petition for the location of a stable having been heard and refused, a period of six months shall elapse before a second petition shall be heard for the same location and conditions, except when a material change of proposition under the petition is made.

(16)

The Handling, Storing and Transportation of Manure.

Reg. Dec. 6, 1905. (As amended Feb. 17, 1913.) Whereas, In the opinion of the Board of Health of the City of Boston, manure, excrement of domestic animals and stable refuse (hereinafter termed "substances") in said city are a nuisance, source of filth and cause of sickness; it is therefore

Ordered:

Keeping Prohibited Unless Properly Stored.

First. No person having control of any premises in the city of Boston shall keep in, or permit to remain therein, or in or on any premises adjacent thereto, such substances, unless stored in tightly covered metallic cans or in vehicles constructed in a manner approved by the Board of Health.

Receptacles to be Kept Clean.

Second. All receptacles used for storing such substances shall be kept clean to the satisfaction of the Board of Health.

Time for Removal.

Third. All such substances which accumulate on any premises shall be removed within forty-eight hours from the time of accumulation; and in specific cases as much oftener as the Board of Health shall order.

Receptacles not to Stand in Public Ways.

Fourth. No can or vehicle containing such substances shall be placed in or allowed to stand in any public way.

Vehicles. Permit. Construction. Method of Loading.

Fifth. Such substances shall be removed only in vehicles holding a permit * to do so issued by the Board of Health, and the removal and transportation of such substances shall be done in accordance with the terms of such permit and not otherwise. Such

* See ordinance to same effect, under (10) preceding.

vehicles shall be of a construction approved by said Board. Vehicles holding such a permit shall be loaded within the building from which the substances are being removed, and not upon the street or sidewalk, and the substances shall be removed from such building in a manner not in any way offensive or so as to cause a nuisance.

Precautions When Upon Streets.

Sixth. All such substances, when transported through the streets, must be covered * and secured so that no part of the same will fall or drip on the streets, and so as to prevent the escape of offensive odors.

Place of Unloading.

Seventh. Such substances shall not be unloaded or deposited within the city limits, except upon the conditions of a permit from the Board of Health. This shall be done only in such places as shall be approved by said Board, and in accordance with a permit from said Board for such unloading or depositing which shall have previously been granted by said Board.

Manure Pits.

Eight. No manure pit shall hereafter be maintained in the city of Boston.

For penalty see G. L., ch. 111, s. 122.

References.

Sect. (1.) No building in any city shall be used for a stable without a license from the local board of health. Not to apply to such use authorized May 4, 1895, but a board of health may make regulations relative to drainage, ventilation, etc., in any stable in its city. Gen. L., ch. 111, s. 155.

The Health Commissioner of Boston may permit rooms in private stables so be occupied for sleeping purposes by grooms and coachmen. Acts 1907, ch. 550, s. 128, as amended (chap. 2, section 1 preceding).

Sect. (10.) Carting refuse. Vehicles not to leak, or emit offensive odors. Reg. Sept. 8, 1876, as amended July 31, 1900 (chap. 6, section 9 preceding).

Sect. (15.) Dumping refuse material forbidden except in place approved by Health Commissioner. R. O. 1914, ch. 40, s. 14 (chap. 6, section 8 preceding).

* See ordinance to same effect, under (10) preceding.

CHAPTER 12.—LYING-IN HOSPITALS.

Sect.

1. Local boards of health to certify to the State Department of Public Welfare, the suitability of places for a license as a lying-in hospital, hospital ward, or other place for the reception, care and treatment of women in labor.
2. Such a hospital to be under supervision of the State Department of Public Welfare; but subject to visitation and inspection at any time by the board of health of the city where located.

Sect.

3. Penalty for keeping such a hospital without a license from the State Department of Public Welfare.
4. Order of the Health Commissioner of the City of Boston in regard to the certification of premises for use as lying-in hospitals, from the standpoint of fire hazard.

I.

STATUTES.

(1)

Lying-in Hospitals.

Boards of Health to Certify as to Suitability.

G. L., Ch. 111. SECT. 71. The department of public welfare may issue a license, subject to revocation by it, to any person whom it deems suitable and responsible to establish or keep for two years a lying-in hospital, hospital ward or other place for the reception, care and treatment of women in labor, if the local board of health shall first certify to said department that, from its inspection and examination of such hospital, hospital ward or other place aforesaid the same is suitable therefor.

1887, 157 ss. 1, 2.
P. S. 80, ss. 56, 67.

R. L. 75, s. 62.
1910, 569.

1911, 264.
1919, 350, s. 87.

(2)

State Supervision. Local Boards of Health to have Right of Inspection.

G. L., Ch. 111. SECT. 72. The department of public welfare shall have supervision of all such hospitals, hospital wards or other places, may make necessary rules for their regulation, and may visit and inspect the same. The said hospitals, hospital wards and other places shall also be subject to visitation and inspection at any time by the head of the police department, or his authorized agent, or the board of health of a city, or by the chief of police, selectmen or the board of health of a town, and, if during the year it receives more than six patients, by the department of public health.

1876, 157, s. 3.
P. S. 80, s. 58.

1886, 101, s. 4.
R. L. 75, s. 63.

1910, 569.
1919, 350, s. 87.

(3)

Penalty for Keeping a Hospital without a License.

G. L., Ch. 111. SECT. 73. Whoever establishes or keeps or is concerned in establishing or keeping a lying-in hospital, hospital ward or other place for the

purpose mentioned in section seventy-one or is engaged in any such business without such license, shall for a first offence be punished by a fine of not more than five hundred dollars, and for a subsequent offence by imprisonment for not more than two years.

1876, 157, s. 4.
P. S. 80, s. 59.

R. L. 75, s. 64.

1910, 569.

II.

ORDERS.

(4)

Order of the Health Commissioner of the City of Boston in Regard to the Certification of Premises for Use as Lying-In Hospitals, from the Standpoint of Fire Hazard.

Sept. 11, 1918, Ordered:

1. Reports and recommendations made by the Sanitary Division to the Health Commissioner with respect to the suitability of any given premises for occupancy as a lying-in hospital, should show clearly and definitely whether said premises are or are not suitable for the purpose named, when viewed from the standpoint of fire hazard.

2. In determining the suitability of any premises, when viewed from the standpoint of fire hazard, regard should be had to the laws, ordinance and regulations of the city of Boston pertaining to fire protection, yet individual judgment should be exercised by such inspectors as may be called upon to examine the premises and if the premises represent a fire hazard that inmates should not be subjected to, even though such laws, ordinances and regulations may be complied with, the report should so state.

3. No premises should be recommended by the Sanitary Division to the Health Commissioner for certification to the State Board of Charity that are not safe from the standpoint of fire hazard as well as from the standpoint of sanitation and health.

References.

Sect. (4.) Requirements for all buildings. Egress to roof. Every permanent building more than twenty feet high having a flat roof shall have permanent means of access to the roof from the inside by an opening not less than two feet by three feet, with a fixed step ladder. Egress required. Every building shall have, with reference to its height, condition, construction, surroundings character of occupation and number of occupants, reasonable means of egress in case of fire, satisfactory to the building commissioner. Acts 1907, ch. 550, s. 12.

Every person using a building in Boston, as a hospital shall annually in April register with the building department and shall specify the precautions provided in such building against fire. Spec. Acts 1919, ch. 32, ss. 1, 2 [see Part II, chap. 4 (4).]

For the fire hazard requirements of every building in Boston erected, altered or designed for use or occupation as a hospital subsequent to April 30, 1919, see Spec. Acts 1919, ch. 163 Part II, chap. 4 (5).]

CHAPTER 13.—MATTRESSES, ETC., MANUFACTURE AND SALE OF.

Sect.

1. Members of local boards of health shall report to the state department of health any violation of the law relative to the manufacture or sale of mattresses.
2. The manufacture, sale or offer for sale of mattresses, pillows, etc., having a filling of hair, feathers, wool, etc., regulated. Each such article to have plainly marked upon it, or upon tag securely attached thereto, statement of the kind of material used for filling; also if article has been previously used, the word "second hand."
3. Use of certain material prohibited.
4. Sale of second hand hair, feathers, wool, or other materials used for the filling of mattresses, pillows, etc., regulated. Container of any such material when shipped shall have securely attached

Sect.

- thereto tag containing statement of contents and name of vendor. Penalty.
5. Investigation to be made by department of public health at all reasonable times. If any material used for manufacture of mattresses, etc., found, which has been previously used in or about a hospital or on or about any one having an infectious or contagious disease, such material or articles shall be marked by the department with labels having the word "unclean" in conspicuous letters. Removal of such materials or articles.
 6. Posting of notices, etc. Penalty for removal.
 7. Penalty for removing, etc., any marking or tag, etc.
 8. Penalty for manufacturer, etc., of certain articles.

I.

STATUTES.

(1)

Members of Local Boards of Health shall Report to the State Department of Health any Violation of the Law Relative to the Manufacture or Sale of Mattresses.

G. L., Ch. 94. SECT. 275. Any police officer, member of any local board of health, or other town official, who has reason to believe that any provision of sections two hundred and seventy to two hundred and seventy-seven, inclusive,* has been or is being violated, shall give notice thereof to the department of public health.

1915, 148, s. 5

1919, 350, s. 96.

(2)

The Manufacture, Sale or Offer for Sale of Mattresses, Pillows, etc., having a Filling of Hair, Feathers, Wool, etc., Regulated. Each such Article to have Plainly Marked upon it, or upon Tag Securely Attached Thereto, Statement of the Kind of Material used for Filling; also if Article has been Previously used, the Word "Second Hand."

G. L., Ch. 94. SECT. 270. No person shall manufacture for purposes of sale, sell, offer or expose for sale, or have in possession with intent to sell, any mattress, pillow, cushion, muff bed, quilt or similar article having a filling of hair, down, feathers, wool, cotton, silk floss or other material, unless there is

* Enforcement of the law is with the State Department of Health.

plainly marked upon each such article, or upon a tag of some durable substance sewed thereon, or otherwise securely attached thereto, a statement of the kind of material used for filling in the manufacture of such article, and, also, if the material has previously been used, the word "second hand." If any such article is enclosed in a bale, box, crate or other receptacle, there shall be plainly marked upon such receptacle, or upon a durable tag securely attached thereto, a statement that the contents of the package are marked as herein required.

1915, 148, s. 1.

(3)

Use of Certain Material Prohibited.

G. L., Ch. 94. SECT. 271. No person shall use, in the manufacture of any mattress, pillow, cushion, muff bed, quilt or similar article for purposes of sale, or sell or offer or expose for sale, or have in possession for the purpose of such use or for sale, any material which has previously been used in or about a hospital, or on or about the person of any one having an infectious or contagious disease, nor shall any person sell, or offer or expose for sale, any such article containing materials which have previously been so used.

1915, 148, s. 2.

(4)

Sale of Second-Hand Hair, Feathers, Wool, or other Material used for the Filling of Mattresses, Pillows, etc., Regulated. Container of any such Material when Shipped shall have Securely Attached Thereto Tag Containing Statement of Contents and Name of Vendor. Penalty.

G. L., Ch. 94. SECT. 272. No person shall sell or offer for sale any second hand hair, down, feathers, wool, cotton, silk floss or other materials, commonly used for filling mattresses, pillows, cushions, muff beds, quilts or other similar articles, representing the same to be new material. When any such hair or other material above specified or described is shipped enclosed in any box, crate, package or other container it shall have attached thereto a tag containing a statement of the contents of the package together with the name of the vendor, Violation of any provision of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

1919, 123.

(5)

Investigation to be Made by Department of Public Health at all Reasonable Times. If any Material Used for Manufacture of Mattresses, etc., Found, which has been Previously used in or about a Hospital or on or about any one having an Infectious or Contagious Disease, such Material or Articles shall be Marked by the Department with Labels having the Word "Unclean" in Conspicuous Letters. Removal of such Materials or Articles.

G. L., Ch. 94. SECT. 273. The department of public health, wherever there is reason to believe that any provision of sections two hundred and seventy to two hundred and seventy-seven, inclusive, is being violated in any factory, shop, warehouse, store or other place, shall cause an investigation to be made

of any such place, and for this purpose any member or duly authorized employee of the said department may enter such building or other place at all reasonable times. If, upon investigation, mattresses, pillows, cushions, muff beds, quilts or similar articles, or materials for use in the manufacture of the same, shall there be found, which have been previously used in or about a hospital, or on or about the person of any one having an infectious or contagious disease, such materials or articles, whether manufactured or in process of manufacture, shall be marked by the said department with labels bearing the word "unclean" in conspicuous letters, and the said department, with or without notice to the owner or supposed owner, may order the removal and destruction of the said materials or articles or make such other order relating thereto as the circumstances of the case require.

1915, 148, s. 3.

1919, 350, s. 96.

(6)

Posting of Notices, etc. Penalty for Removal.

G. L., Ch. 94. SECT. 274. The said department, or its duly authorized employee, whenever it is deemed necessary to safeguard the public health, may post upon any building or part thereof containing materials or articles mentioned in the preceding section, or from which the same have been removed, a notice or warning of the danger of contagion or infection resulting from the violation of sections two hundred and seventy to two hundred and seventy-seven, inclusive, and may continue such notice upon the said premises until the same have been properly cleaned and disinfected. Whoever removes or effaces such notice or warning except by order of the said department shall be punished by a fine or not more than fifty dollars.

1919, 350, s. 96.

1915, 148, s. 5.

(7)

Penalty for Removing, etc., any Marking or Tag, etc.

G. L., Ch. 94. SECT. 276. Whoever, except a purchaser at retail, removes or effaces any marking upon any article or receptacle or any tag or label attached thereto as provided in section two hundred and seventy shall be punished by a fine of not more than fifty dollars.

1915, 148, ss. 1, 6.

(8)

Penalty for Manufacture, etc., of Certain Articles.

G. L., Ch. 94. SECT. 277. Whoever manufactures for purposes of sale, sells, offers or exposes for sale, or has in possession with intent to sell, any mattress, pillow, cushion, muff bed, quilt or similar article having a filling of hair, down, feathers, wool, cotton, silk floss or other material, which is not marked in accordance with sections two hundred and seventy to two hundred and seventy-seven, inclusive, or whoever uses in the manufacture of any of the said articles materials previously used in or about a hospital, or upon or about the person of any one having an infectious or contagious disease, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

1915, 148, s. 6.

CHAPTER 14.—NUISANCES, SOURCES OF FILTH AND CAUSES OF SICKNESS.

Sect.

1. Boards of health to examine into all nuisances, etc., to destroy same, and to make regulations relative thereto and to certain articles. Penalty for violation of regulations.
2. Board to order owner of premises where nuisances found to exist, to remove same at his own expense. Penalty for knowingly violating order.
3. Order to be in writing and served by person authorized to serve civil process. Service may be made at owner's last and usual place of abode if known and within state. If unknown or outside state and premises unoccupied, service may be made by posting and advertising.
4. If order not complied with, board may cause nuisance to be removed. Expenses to be paid by person who

Sect.

- caused or permitted nuisance if he had notice from board of its existence.
5. If board refused entry when necessary to examine into a nuisance, it may make complaint in court for a compulsory examination of premises.
6. Application to county commissioners authorized if any one aggrieved by neglect of board of health to pass all proper orders abating a nuisance.
7. Costs of proceedings before county commissioners.
8. Certain nuisances may be ordered removed by court, under direction of board of health.
9. Superior Court may enjoin certain nuisances.
10. Practices along the water-front in Boston affecting the admission of rats, regulated.

I.

STATUTES.

(1)

Examination Into Nuisances Required, etc.

G. L., Ch. 111. SECT. 122. The board of health shall examine into all nuisances, sources of filth and causes of sickness within its town, or on board of vessels within the harbor of such town, which may, in its opinion, be injurious to the public health, shall destroy, remove or prevent the same as the case may require, and shall make regulations * for the public health and safety relative thereto and to articles capable of containing or conveying infection or contagion or of creating sickness brought into or conveyed from the town or into or from any vessel. Whoever violates any such regulation shall forfeit not more than one hundred dollars.

1797, 16, ss. 3, 5, 11.

125 Mass. 182.

190 Mass. 442.

R. S. 21, ss. 5, 6, 9.

135 Mass. 526.

203 Mass. 26.

G. S. 26, ss. 5, 7.

163 Mass. 240.

208 Mass. 493.

R. L. 75, ss. 65.

179 Mass. 385.

214 Mass. 587.

P. S. 80, ss. 18, 20.

182 Mass. 39.

233 Mass. 275.

97 Mass. 221.

186 Mass. 330.

1 Op. A. G. 290.

* Regulations adopted under this section are quasi-legislative in character. They belong to that class of police regulations to which all individual rights of property are held subject. *Nelson v. State Board of Health*, 186 Mass. 334.

The power to regulate the mode in which "Offensive Trades" (see Gen. L., ch. 111, s. 143), shall be carried on is conferred by above section. *Sawyer v. State Board of Health*, 125 Mass. 195.

The above section (Gen. L. 111, s. 122) likewise confers jurisdiction over nuisances affecting the purity of the water supply as well as other causes of sickness. 179 Mass. 385. See Gen. L. 111, s. 159.

NOTE.—In the case of *Commonwealth v. Drew*, the court defines the phrase "causes of sickness" as follows: "It is a little broader term than the two terms that precede it (nuisance and source of filth), but it is of the same general character. Primarily it refers to something local, and the board is directed to destroy, remove or prevent the same." 208 Mass. 493.

(2)

Nuisances to be Abated by Owner. Penalty.

G. L., Ch. 111. SECT. 123. Said board shall order the owner or occupant of any private premises, at his own expense, to remove * any nuisance, source of filth or cause of sickness found thereon within twenty-four hours, or within such other time as it considers reasonable, after notice; and an owner or occupant shall forfeit not more than twenty dollars for every day during which he knowingly violates such order.

1797, 16, s. 11.
R. S. 21, s. 10.
1849, 211, s. 3.
1855, 369.

G. S. 26, s. 8.
P. S. 80, s. 21.
R. L. 75, s. 67.
98 Mass. 431.

132 Mass. 71.
186 Mass. 330.
190 Mass. 442.
203 Mass. 26.

(3)

Service of Order for Abatement.

G. L., Ch. 111. SECT. 124. Such order shall be in writing, and may be served personally on the owner, occupant or his authorized agent by any person authorized to serve civil process; or a copy of the order may be left at the last and usual place of abode of the owner, occupant or agent, if he is known and within the commonwealth. If the premises are unoccupied and the residence of the owner or agent is unknown or is without the commonwealth, the board may order the notice to be served by posting it on the premises and by advertising it in one or more newspapers.

1849, 211, s. 4.
G. S. 26, s. 9.

P. S. 80, 3, 22.
R. L. 75, s. 68.

143 Mass. 113.

(4)

Removal of Nuisance by Board.

G. L., Ch. 111. SECT. 125. If the owner or occupant fails to comply with such order, the board may cause the nuisance, source of filth or cause of sickness to be removed and all expenses † incurred thereby shall be paid by the person who caused or permitted the same, if he has had actual notice from the board of health of the existence thereof.

1797, 16, s. 11.
R. S. 21, s. 11.
1849, 211, s. 5.

G. S. 26, s. 10.
P. S. 80, s. 23.
R. L. 75, s. 69.

98 Mass. 431.
126 Mass. 496.

(5)

Compulsory Examination of Premises.

G. L., Ch. 111. SECT. 131. If the board considers it necessary for preservation of life or health to enter any land, building or premises, or go on board a

* An order of the board of health under the above section, for removing a nuisance, need not direct in what mode the party shall proceed to remove the nuisance, and if it does, neither the party himself nor the board of health when they come to act, are restricted to that mode. *City of Salem v. Eastern Railroad Co.*, 98 Mass. 431.

† If a nuisance exists which the landowner when so ordered under above section must abate, he may do so in any proper manner. 190 Mass. 442.

‡ In a suit to recover expenses under above section, a record of the proceedings of the board is *prima facie* evidence of the existence of the nuisance which warranted the board in taking action and incurring expense for its removal. 98 Mass. 445.

NOTE.—The jurisdiction over nuisances given to local boards of health by the above sections 122–125, is summary in its nature and the orders made thereunder are not subject to judicial examination and revision at the instance of parties affected by them before they are carried out. After they are carried out, however, the questions whether there was a nuisance and if so, whether it was caused or maintained by the parties charged therewith, may be litigated. *Stone and others, trs., v. Heath & others* (Board of Health of Wakefield).

vessel within its town, to examine into and destroy, remove or prevent a nuisance, source of filth or cause of sickness, and the board, or any agent thereof sent for that purpose, is refused such entry, any member of the board or such agent may make complaint to a justice of any court of record or to a magistrate authorized to issue warrants, who may thereupon issue a warrant, directed to the sheriff or any of his deputies to such member or agent of the board, or to any constable of such town, commanding him to take sufficient aid and at any reasonable time repair to the place where such nuisance, source of filth or cause of sickness complained of may be, and to destroy, remove or prevent the same, under the direction of the board.

1816, 44, s. 2.
R. S. 21, s. 14.
G. S. 26, s. 14.

1873, 2, s. 1.
1877, 211, s. 1.

P. S. 80, s. 27.
R. L. 75, s. 74.

(6)

Application to County Commissioners.

G. L., Ch. 111. SECT. 141. Whoever is aggrieved by the neglect or refusal of the board of health to pass all proper orders abating a nuisance may apply to the county commissioners, who may hear and determine such application and exercise in such case all the powers of such board. The applicant shall, within twenty-four hours after such neglect or refusal, file with said board a written notice to the adverse party of his intention so to apply, and within seven days shall present a petition to one of the county commissioners, stating the grievances complained of and the action of the board of health thereon.

1866, 211, ss. 1, 2.

P. S. 80, ss. 36, 37.

R. L. 75, s. 84.

(7)

Costs.

G. L., Ch. 111. SECT. 142. Each county commissioner, when acting under the preceding section, shall tax three dollars a day for time and five cents a mile for travel to and from the place of meeting, which shall be paid into the county treasury; and such costs shall in the first instance be paid by the applicant, and the commissioners may award that costs of the proceeding shall be paid by any party thereto.

1866, 211, s. 3.

P. S. 80, s. 38.

R. L. 75, s. 85.

(8)

Removal of Nuisance on Conviction for a Common Nuisance.

G. L., Ch. 111. SECT. 129. If a person is convicted on an indictment for a common nuisance* injurious to the public health, the court may order the nuisance to be removed or destroyed at the expense of the defendant under the direction of the board of health.

1801, 16, s. 3.
R. S. 21, s. 12.

G. S. 26, s. 12.
P. S. 80, s. 25.

R. L. 75, s. 72.

* In order to amount to a nuisance, it is not necessary that the corruption of the atmosphere should be such as to be dangerous to health; it is sufficient that the effluvia are offensive to the senses and render habitations uncomfortable. *Eames vs. S. E. Worsted Co.*, 11 Met. 572.

The injury must not be fanciful, but must be real; affecting not persons peculiarly fastidious, but irritating and annoying to persons ordinarily susceptible. *Fay vs. Whitman*, 100 Mass. 77.

(9)

Superior Court May Enjoin Certain Nuisances.

G. L., Ch. 111. SECT. 130. The superior court, either before or pending a prosecution for a common nuisance affecting the public health, may enjoin the maintenance of such nuisance until the matter is decided or the injunction dissolved.

1827, 88.

G. S. 26, s. 13.

R. L. 75, s. 73.

R. S. 21, s. 13.

P. S. 80, s. 26.

179 Mass. 385.

II.

REGULATIONS.

(10)

Infected Rats.

Reg. March 6, 1920. Ordered: That pursuant to the provisions of Revised Laws, chapter 75, section 65, which require the Health Commissioner of Boston to examine into all causes of sickness in the city or on vessels within the harbor and to make regulations relative to articles which are capable of creating sickness that are brought into the city from any vessel, the following regulations are promulgated, with a view to the prevention of the introduction of plague into Boston by means of infected rats:

Garbage Not to be Thrown Overboard. Receptacles.

1. The owner, agent, master and consignee of any vessel which is lying at any wharf within the limits of the city of Boston shall take such measures as may be necessary to prevent, and shall prevent any garbage, offal or other refuse which may furnish food for rats from being thrown overboard from such vessel or from being deposited on or about any wharf, except in ratproof, covered metallic receptacles, and shall take such measures as may be necessary to keep such receptacles covered and cared for, and shall keep such receptacles covered and cared for, at all times so as to prevent rats from gaining access to their contents.

Refuse not to be Deposited so as to Furnish a Food Supply for Rats. Regular Removal of Garbage.

2. No owner, agent, master nor consignee of any vessel, and no owner, agent nor superintendent of any wharf shall deposit or store, or permit to be deposited or stored, or to accumulate, on or about any wharf, or in or about any building adjacent thereto, subject to his control, any foodstuff, refuse or other material, in such manner as to furnish a food supply or breeding place for rats, or otherwise than may in any instance be prescribed by the Health Commissioner or his legal representative; and the owner of every

wharf shall make provision, subject to the approval of the Health Commissioner, for the prompt and regular removal of all garbage, offal or other refuse from the wharf and land or premises adjacent thereto under his control.

Vessels from Ports Reported Infected with the Plague. Conditions on Coming to Wharf.

3. In case any vessel shall come to a wharf in the city of Boston from a port reported by the United States Public Health Service as infected or possibly infected with the plague, for the purpose of discharging or taking on passengers or cargo, the master of such vessel, and the owner, the agent and the superintendent of any wharf at which such vessel may lie shall observe the following conditions:

Mooring Requirement.

The vessel shall be kept breasted off at least four feet from the cap sill of the wharf.

Rat Guards, etc.

All lines leading from the vessel to the shore shall be so guarded by effective rat guards or other devices as to prevent rats from reaching shore by means of such lines. All freight gangways leading from the vessel to the wharf or shore shall be removed and kept down when not actually being used for the loading or discharge of cargo. Passenger gangways shall be removed when not kept constantly lighted and guarded so as effectually to prevent rats from reaching the shore by this means.

Owner of Cargoes to Report when Rats Reaching Shore Therein.

If it shall come to the knowledge of the owner or superintendent of the wharf, or of the master or chief officer of a vessel, that rats are reaching the shore in cargo that is being unloaded, he shall immediately report the fact to the Health Commissioner of the city of Boston; and the owner and superintendent of the wharf and the master and chief officer of the vessel shall make such arrangements with the employees under their control and with the United States customs officers as will insure the prompt reporting of the said owner, agent, master or chief officer of the fact that rats are so being brought ashore with the cargo.

For penalty see under (1) preceding.

References.

Sect. (1.) Cities and towns may incur debt, within certain limits, for the abatement of nuisances in order to conserve the public health. G. L., ch. 44, s. 1, clause 14. For purposes of tenement house law applicable to all cities except Boston, the word "Nuisance" includes all public nuisances as known at common law or in equity jurisprudence; and furthermore, whatever is dangerous to human life or detrimental to health, whatever building or erection, or part or cellar thereof, is overcrowded with occupants or is not provided with adequate ingress or egress to and

from the same or apartments thereof, or is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted in reference to its or their intended or actual use; and whatever renders the air or human food or drink unwholesome.

Manure, excrement of domestic animals and stable refuse, when deemed a nuisance, source of filth and cause of sickness. Reg. Dec. 6, 1905, amended Feb. 17, 1913 (chapter 11G, section 15-preceding).

Use of refuse material in filling ponds and wet lands, when deemed a nuisance, source of filth and cause of sickness. Reg. Apr. 10, 1893 (chapter 6, section 10, preceding).

The deposit of sputum in public places deemed a nuisance, source of filth and cause of sickness. Reg. Oct. 13, 1896, as amended (chapter 15, section 14, following).

Sect. (2.) Health Commissioner of the City of Boston authorized to order vacated any building or part thereof in said city when of the opinion that it is unfit for use, because of the existence of a nuisance thereon, which is likely to cause sickness among its occupants. 1897, 219, s. 1, as amended (chapter 4 preceding).

Sect. (4.) Health Commissioner of the City of Boston authorized to clean and put in healthful condition unoccupied lands and private passageways upon neglect of owners so to do for one week after notice. Acts 1897, ch. 185 (chapter 15 (2) following).

Sect. (8.) If it be a public nuisance, the party erecting it or continuing it, may be prosecuted by indictment, and a part of the judgment will be that it be prostrated and removed. G. L., ch. 139.

Burnt, dilapidated or dangerous buildings as nuisances. G. L., ch. 139, sects. 1-3.

Any article placed upon a fire escape or an outside means of egress of any building, a common nuisance, G. L., 143, s. 22.

Use of place within building limits of Boston, for sale of horses at auction where horses are shown, exhibited or sold in or upon streets, etc., a common nuisance. Acts 1894, 336, as amended 1894, 426.

Building erected or maintained in Boston in violation of the building laws, a common nuisance, Acts 1907, 550, s. 132, as amended 1913, 586, s. 2.

If it be a private nuisance, the party injured may have his action of tort against the party erecting, or continuing it, and if he prevails the court may, in addition to the judgment for damages and costs, enter judgment that the nuisance be abated and removed. G. L., ch. 243, s. 1.

"Spite" fences more than six feet high, etc., a private nuisance, G. L., ch. 49, s. 21.

Smoke nuisance. Acts 1910, ch. 651. An act to provide for the abatement of smoke in the City of Boston and vicinity. The emission of smoke of a certain degree of darkness or density for more than a certain number of minutes in any hour from certain stacks or chimneys, prohibited. It shall be the duty of the State Board of Gas and Electric Light Commissioners to enforce the provisions of the foregoing act. The records and observations of smoke of this Board shall be open to public inspection at reasonable times and under reasonable regulations.

Sect. (11.) No building operations shall be permitted which will create unnecessary permanent spaces where rats may breed. Acts 1907, ch. 550, s. 32, as amended special Acts 1918, ch. 179, s. 13 (chapter 3 preceding).

NOTE.—*Law relating to furnishing of heat, etc., to buildings.* Acts 1920, Ch. 555. SECT. 1. Any lessor of any building, or part thereof, who is required by the terms, expressed or implied, of any contract or lease to furnish water, heat, light, power, elevator service or telephone service to any occupant of the building, who wilfully or intentionally fails to furnish such water, heat, light, power, elevator service or telephone service at any time when the same is necessary to the proper or customary use of the building, or part thereof, or any lessor who wilfully and intentionally interferes with the quiet enjoyment of the leased premises by such occupant, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

SECT. 2. This act shall become null and void on the first day of May in the year nineteen hundred and twenty-four.

CHAPTER 15.—PASSAGEWAYS AND STREETS. UNOCCUPIED LANDS.

Sect.

1. Low lands in Boston not bordering on tide water shall be filled to grade of eleven feet above mean water, whenever the health commissioner adjudges that the public health so requires. Equity court to enforce these provisions on petition of health commissioner.
2. Health Commissioner may cause unoccupied lands or private passageways to be cleaned at expense of the owners thereof upon neglect of owners to do so for one week after notice.
3. Expense, how assessed and paid.
4. Any passageway in the city of Boston not exceeding 25 feet in width may be laid out as a public alley when the public convenience so requires.
5. Public alleys required to be kept by the city free from any substance liable to cause sickness or a nuisance.
6. Placing rubbish in public alleys forbidden. Penalty.

Sect.

7. City authorized to enter upon any private way and remove any filth, etc., therefrom.
8. Expectoration upon any public sidewalk etc., prohibited. Penalty.
9. Arrest without a warrant.
10. Suffering filth to remain on private passageway forbidden.
11. Sprinkling salt, etc., on streets forbidden.
12. Cleaning carpet, etc., in streets forbidden. Sweeping sidewalks in certain parts of city regulated.
13. Throwing rubbish, etc., into streets forbidden.
14. Spitting on public sidewalk, etc., regulated.
15. Use of substances liable to be blown onto streets or into dwellings, regulated. Sieving and screening. Beating carpets. Work causing dust.

I.

STATUTES.

(1)

Certain Low Lands in Boston to be Filled to Certain Grade upon Adjudication of Health Commissioner. Equity Courts to Enforce Section on Petition, Health Commissioner.

Acts 1893, Ch. 342. Whenever the board of health of the city of Boston shall adjudge that the public health requires, and shall order that any lands in said city not bordering immediately on tide water be filled to the grade of eleven feet above mean water, the owners of said land shall forthwith fill the same in accordance with said order and in a manner and with material satisfactory to said board. Any justice of any court having jurisdiction in equity may, on the petition of the board of health of said city, enforce the provisions of this section by any proper process or decree.

176 Mass. 97.

(2)

Cleaning Unoccupied Lands and Passageways upon Neglect of Owners.

Acts 1897, Ch. 185. **SECT. 1.** Whenever the owners of unoccupied lands in the city of Boston or of estates situated on a private passageway therein, neglect for one week after being notified by the board of health of said city, to clean and put in healthful condition such lands or passageway, said board may at the expense of such owner enter upon and clean and put in good condition such lands or passageway.

For right of city to enter and remove filth from private way see (7).

(3)

Expense, How Assessed and Paid.

Acts 1897, Ch. 185. **SECT. 2.** Any expense occasioned by the doing of the work aforesaid upon any unoccupied lands shall be paid by the owners of such lands, and, if occasioned by the doing of the work on a passageway, shall be paid by the owners of the estates abutting upon said passageway in proportion to the number of linear feet thereof so abutting, and shall be a lien upon such estates from the time of the passage of the order aforesaid until the same is paid, and may be included and made a part of the taxes of such estate, and be collected in the same manner and with and as a part of such other taxes.

(4)

Laying Out Passageways as Public Alleys.

Acts 1898, Ch. 298. **SECT. 1.** The board of street commissioners of the city of Boston may, . . . lay out and construct any alley or passageway * in the city of Boston not exceeding twenty-five feet in width as a public alley. . . .

NOTE.—Proceedings under the above section now take the place of former proceedings by the board of health requiring owners to pave or otherwise provide with a road-bed private passageways in Boston, under Acts of 1894, chapter 119, which was held unconstitutional. *Durgin et al. vs. Minot et al.*, 203 Mass. 26

(5)

City to Keep Public Alleys Free from Nuisances.

Acts 1898, Ch. 298. **SECT. 2.** The city of Boston shall not be liable for any defect or want of repair in any public alley, nor be required to keep the same free from snow, but shall be required to keep the same free from any substance which is liable to cause sickness or a nuisance.

(6)

Placing Rubbish in Public Alleys Forbidden.—Penalty.

Acts 1898, Ch. 298. **SECT. 3.** Whoever drops or places and suffers to remain in any public alley any snow or ice, or any rubbish or obstruction of any kind, shall be fined not exceeding fifty dollars for each offense.

(7)

City Authorized to Enter upon any Private Way and Remove any Filth, etc., Therefrom.

Acts 1912, Ch. 240. **SECT. 1.** The city of Boston may remove from any private way in that city any filth, rubbish or offensive matter, and for this purpose it shall have the right to enter upon said ways at any reasonable time.

(8)

Expectoration in Certain Public Places Prohibited.—Penalty.

G. L., Ch. 270. **SECT. 14.** Whoever expectorates or spits upon any public sidewalk, or upon any place used exclusively or principally by pedestrians, or except in receptacles provided for the purpose, in or upon any part of any city or town hall, any court house or court room, any public library or museum, any church or theatre, any lecture or music hall, any mill or factory, any hall of any

* Applies only to "back alleys or passageways leading to the rear of estates" and not to small passageways with houses fronting upon them. 1899 Annual Report 40.

tenement building occupied by five or more families, any school building, any ferry boat or steamboat, any railroad car or elevated railroad car, except a smoking car, any street railway car, any railroad or railway station or waiting room, or on any track, platform or sidewalk connected therewith, and included within the limits thereof, shall be punished by a fine of not more than twenty dollars.

1906, 165.

1907, 410.

1908, 150.

(9)

Arrest Without a Warrant.

G. L., Ch. 270. SECT. 15. Any person detected in the act of violating the preceding section may, if his name is unknown to the officer, be arrested without a warrant by any officer authorized to serve criminal process in the place where the offence is committed and kept in custody until he can be taken before a court having jurisdiction of such offence.

1907, 410, s. 2.

II.

ORDINANCES.

(10)

Suffering Filth, etc., to Remain on Private Passageway, Forbidden.

R. O. 1914, Ch. 40. SECT. 17, Clause 2. No owner or occupant of land abutting on a private passageway and having the right to use such passageway shall suffer any filth, waste or stagnant water to remain on that part of the passageway adjoining such land.

For penalty see R. O. 1914, ch. 40, s. 92.

(11)

Sprinkling Salt, etc., upon Streets, Regulated.

R. O. 1914, Ch. 40. SECT. 39. No person shall, except in accordance with a permit from the commissioner of public works, or as provided in section 44 * of this chapter, sprinkle, scatter, put or place any ashes, cinders, earth, dirt, gravel, sawdust, salt, or mixture of salt, in or upon a street, or without such permit remove any manure or dirt from any street.

For penalty see under (10) above.

(12)

Cleaning Carpets, etc., in Streets, Forbidden.

R. O. 1914, Ch. 40. SECT. 40. (As amended Ord. 1920, ch. 5.) No person shall, in any street, wash or clean any animal or vehicle or shake or clean any mat or carpet. Nor shall any person between the hours of eight o'clock a. m. and seven o'clock p. m. in that

* Sect. 44 permits the covering of ice upon sidewalks with sand, sawdust or ashes to prevent slipping.

The word "street" shall include all public ways, alleys, lanes, courts and sidewalks, and those parts of public squares and places which form travelled parts of highways. R. O. 1914, ch. I, s. 4.

portion of the city proper lying north and east of Kneeland, Eliot, Charles, Beacon, Bowdoin, Green and Leverett streets, sweep any sidewalk unless such sidewalk is in such condition that dust will not be raised by such sweeping.

For penalty see under (10) above.

(13)

Throwing Rubbish, etc., into Street, Forbidden.

R. O. 1914, Ch. 40. SECT. 41. No person shall throw or sweep into, or place or drop and suffer to remain in, any street, any piece of hoop, board, wood, wire, paper, or any nail, sweepings, sawdust, soot, ashes, cinders, shavings, hair, manure, oyster-shell, clam-shell, lobster-shell, card, handbill, or rubbish, or filth of any kind, or any noxious or refuse liquid or solid matter or distribute to persons on a street, handbills, cards, circulars, or papers of any kind except newspapers.

For penalty see under (10) above.

II.

REGULATIONS.

(14)

Spitting in Public Places Forbidden.

Reg. Oct. 13, 1896, as amended March 23, 1899, and further amended July 11, 1901, and February 3, 1912.

The Board of Health hereby adjudges that the deposit of sputum in public places is a nuisance, source of filth and cause of sickness, and hereby orders:

That spitting upon the floor, platform, wall, roadbed, rails, ties or steps of any railroad or railway station or car or on other surfaces belonging to any railroad or railway station, or car, or from any electric car while said car is in the subway or elevated above the surface of the ground, or upon the floor, platform, or steps of any public building, hall, church, theatre, market, or upon any public sidewalk, be and hereby is prohibited

For penalty see Gen. L., ch. 111, s. 122 (chap. 14, section 1 preceding.)

(15)

Causing Dust to be Blown onto Street or into Dwellings Forbidden.

Sieving, Screening, etc.

Reg. Aug. 22, 1901. No substance in any way liable to be distributed or blown about by wind or air currents shall be sieved, screened, agitated, or otherwise handled or exposed in any street or

public place, nor elsewhere in such a manner that particles or portions of such substances are scattered, blown or otherwise passed into or upon any such street or public place, or into or upon any inhabited buildings. This shall not apply to the delivery of coal, provided suitable precautions for dampening are taken.

Carpet Beating.

No carpets, rugs, mats, or similar articles shall be beaten in any street or public place, and no carpets, rugs, mats, old garments, or similar articles shall be beaten or cleaned upon or near inhabited buildings unless reasonable precaution is taken to prevent dust particles or portions of said articles from being blown, scattered or otherwise passing from the place where such beating or cleaning is carried on.

Work Causing Dust.

No work shall be done upon any building or other structure while in course of erection, alteration, or demolition, unless every reasonable precaution is taken to prevent dust or fragments of lime, mortar and other similar material from being blown or carried into or upon any street, public place or inhabited buildings.

For penalty see G. L., ch. 111, s. 122 (chap. 14, section 1 preceding).

References.

Sect. (2.) Boards of health authorized to remove nuisances at expense of persons causing same if owner fails to do so in accordance with board's order. (G. L., ch. 111, s. 125, ch. 14, section 4, preceding.)

Sect. (11.) No street railway company shall, except by permission of the commissioner of public works, sprinkle any gravel or sand, or any salt or other article of a decomposing nature, on its tracks or rails in a street, or wash such tracks or rails with brine or pickle. R. O. 1914, ch. 40, s. 76.

Sect. (13.) No person removing refuse of any kind through the streets shall suffer it to leak from any vehicle, or suffer offensive odors to escape therefrom. Reg. Sept. 8, 1876, as amended (chap. 6, section 9, preceding).

Sect. (14.) No common drinking cup or common towel shall be provided in any railroad station, railroad car, steam or ferryboat. G. L., ch. 111, s. 8.

CHAPTER 16.—PLUMBING AND SEWERAGE.

Sect.

1. Board having charge of sewers may construct particular sewers from street line to house at expense of owners, and shall make such connection if appropriation made therefor and upon application of owner or if board of health so orders.
2. Board of health may require abutter to connect estates to common sewer.
3. Board of health may require private drains to be kept in good repair and condition. Penalty.
4. Construction of privy vaults on certain premises forbidden without permit from board of health. Privies located on such premises may be deemed a nuisance.
5. Board of health may make regulations relative to house drainage and sewer connections. Penalty for violating regulation.
6. Plumbing in Boston regulated. Definition of terms.
7. Connection with sewer or cesspool compulsory. Separate connections required, except in certain cases.
8. Soil and waste pipes and traps. Waste pipes of independent fixtures to have separate traps. Connections through 5-inch round traps, prescribed. Continuous vents. Manner of connection. Earthenware traps. Rubber washers. Back air pipes, vents, etc. Traps to be protected from siphonage. Connection of air pipes prescribed. Air pipe of uppermost fixture, regulated. Di-

Sect.

- ameters of vent pipes. Vent lines to be so connected at bottom as to carry off water of condensation. Angle for offsets. Supports for pipes. Non-siphon traps. Round traps. Chemical laboratories. Stables.
9. Vent line for vertical series of bathrooms and kitchens, prescribed. Air pipes may be omitted in certain batteries of water-closets.
 10. Refrigerator wastes and drip pipes. Not to be directly connected to drain. Traps required for certain wastes.
 11. Water-closets, etc. Tank supply required. Flush pipe. Construction of privy vaults, prescribed.
 12. Diameters of soil and waste pipes. Use of lead waste pipes, restricted. Joints, etc. Cast iron pipes, etc. Joints to be gas tight fittings.
 13. Drain pipes, etc., to be of sufficient size and proper make. Supports, manholes, grade, extension. Drain pipe to be supplied with a Y or arch fitted with a clean-out near point where drain leaves building. Steam exhausts. Blow-off tank, etc.
 14. Special traps, etc. Grease. Gasoline. Non-siphon traps, sand boxes. Grease traps for hotels.
 15. Roof leaders and surface drains.
 16. Emptying cesspools without permit, forbidden.
 17. Discharge of sewage and waste water, regulated.
 18. Care of particular drains, regulated.

I.

STATUTES.

(1)

Sewer Connections Regulated.

G. L., Ch. 83. SECT. 3. The board * and officers of a city or town having charge of the repair and maintenance of sewers may, upon request of the owner of land and payment by him of the actual cost thereof, construct a particular sewer from the street line to a house or building. A town may appropriate money for connecting estates within its limits with common sewers, and no

* The department of public works shall construct all sewers and keep clean and in good condition all sewer systems under the control of the city of Boston and the catch-basins in the streets connected with the sewers. R. O. 1914, ch. 28. s. 1.

NOTE.—If, in the city of Boston, any loan is authorized for connecting estates within its limits with public sewers under above provisions, it shall be made only within the debt limit established for said city. R. L. 49, s. 31.

estate shall, in any year in which such an appropriation is made, be connected with a common sewer except in the manner hereinafter provided. If bonds and notes are issued to pay the cost of making such connections, the assessments provided for in section 24 shall be applied to the payment of such bonds or notes. If the board of health of a town making such appropriation shall order land abutting upon a public or private way in which a common sewer has been laid to be connected with such sewer, or if the owner of such land shall make to the board or officer having charge of the maintenance and repair of sewers application to connect his land with a common sewer, such board or officer shall make such connection.

1892, 245, s. 4.

1900, 112.

R. L. 49, ss. 12, 31, 32.

1899, 319, ss. 1, 2.

(2)

Board of Health May Require Certain Abutters to Connect with Sewer.—Penalty.

G. L., Ch. 83. SECT. 11. The board of health of a town may require the owner or occupant of any building upon land abutting on a public or private way, in which there is a common sewer, to connect the same therewith by a sufficient drain, and such owner or occupant who fails to comply with such order shall be punished by a fine of not more than two hundred dollars.

1890, 132.

R. L. 49, s. 30.

160 Mass. 282.

(3)

Board May Require Private Drain Repaired.—Penalty.

G. L., Ch. 83. SECT. 12. If a city council * or a town accepts this section or has accepted corresponding provisions of earlier laws, the board of health may require the owner or occupant of an estate which drains into a private drain in a public or private way to put such drain in good repair and condition. If he fails to comply with said order within ten days after notice thereof, he shall be punished by a fine of not more than twenty dollars for every day during which such failure continues.

1893, 312.

R. L. 49, s. 35.

(4)

Privy Vaults Upon Premises Connected With a Common Sewer, etc., Regulated.

G. L., Ch. 111. SECT. 126. If the city council † of a city or a town having a population of more than one thousand, accepts this section, or has accepted corresponding provisions of earlier laws, no privy vault shall be constructed upon premises connected with a common or private sewer or abutting on a public or private street, court or passageway in which there is a common sewer opposite thereto, without permission in writing having first been obtained from the board of health. And if, in the opinion of said board, a privy vault so situated is injurious to the public health, it shall declare the same a nuisance and forbid its continuance, and sections 123–125, inclusive, of this chapter shall apply thereto.

1890, 74.

R. L. 75, s. 70.

1910, 313.

1899, 184.

* Accepted by the Boston City Council, January 4, 1893.

† Accepted by the Boston City Council October 23, 1890.

(5)

Board of Health Authorized to Make Regulations Relative to House Drainage and Connection With Common Sewers.

G. L., Ch. 111. SECT. 127. The board of health of a city,* and the board of health of a town, if authorized by the town, may make and enforce regulations for the public health and safety relative to house drainage and connection with common sewers, if such a sewer abuts the estate to be drained. Whoever violates any such regulation shall forfeit not more than one hundred dollars.

1877, 133, s. 5.

P. S. 80, s. 12.

R. L. 75, s. 66.

1881, 185.

1889, 108.

(6)

Plumbing (Pipe System of Conveying Water and Sewage in Buildings.—Definitions.

Acts 1907, Ch. 550. SECT. 112. The following terms shall have the meanings respectively assigned to them:

"Y-branches" shall mean a branch at sufficient angle to direct the flow and prevent backing up.

"Air pipes" or "back air pipes" shall mean air pipes from traps that extend toward the main soil pipe of the outer air and connect with not more than three traps.

"Vent pipes" shall mean general lines of back air pipes connecting with more than three fixtures.

"Drain" shall mean that part of the drainage system of a building extending through basement or cellar to sewer.

"Soil pipe" shall mean that part of the drainage system of a building, of four inches or more internal diameter, between basement or cellar and the highest fixture in the building.

"Ventilation pipe" shall mean the extension of the soil pipe from the highest fixture to and through the roof.

"Surface drain" shall mean a connection with drain in the basement to allow egress of surface water or overflow.

"Fixture" shall mean any receptacle or outlet placed for the purpose of disposing of waste water or other matter, and connecting with the waste, soil or drain pipe of a building.

(7)

Connection With Sewer or Cesspool Required.*Separate Connections Required Except in Certain Cases.*

Acts 1907, Ch. 550. SECT. 115. The plumbing of every building shall be separately and independently connected outside the building with the public sewer, if such sewer is provided, or with a proper and sufficient private drain or sewer laid outside of the building, and if a sewer is not accessible, with a proper cesspool. Several buildings may have a common sewer connection if such connection is approved by the (building) commissioner and the superintendent of sewers.

Acts 1892, ch. 419, s. 122.

For penalty see section 132 (chap. 2, s. 20, preceding).

Soil and Waste Pipes and Traps.*Waste Pipes of Independent Fixtures to Have Separate Traps.*

Acts 1907, Ch. 550. SECT. 117. The waste pipe of every independent sink basin, bathtub, water-closet, slop-hopper, urinal or other fixture shall be furnished with a separate trap which shall be placed as near as practicable to the fixture which it serves.

* Apparently superseded as to Boston, by Acts 1892, 419 and subsequent acts relating to plumbing.

Connections Through 5-inch Round Traps Prescribed.

A sink and set of three wash trays may be connected to the house drain through one five-inch round trap, when the outlet of the sink is not over three feet six inches from the nearest outlet from the wash trays; and in each such case the trap shall be above the floor. The outlet from each fixture shall enter the trap separately. Not more than four washbowls or sinks in a continuous line may be connected to the house drain through one five-inch round trap.

Continuous Vents.

Two or more fixtures on the same level with not more than two feet of waste pipe and connecting into the soil or waste pipe not more than eighteen inches below the top water line of the trap, shall not require other vent than the continuation of the soil or waste pipe full size for its whole length. Lateral branches of soil or waste pipe, if more than twenty feet in length, shall be extended through the roof undiminished in size.

Manner of Connection.

All connections on lead waste and back air pipes and of lead pipes to brass ferrule and soldering nipples shall be full size wiped soldered branch, round or flange joints. Soil and waste pipes shall have proper T-Y or Y branches for all fixture connections. No connection to lead bends for water-closets or slop sinks shall be permitted, except the required back air pipe where a continuous vent is not practicable.

Earthenware Traps, Rubber Washers.

Earthenware traps shall have heavy brass floor plates soldered to the lead bends and bolted to the trap flange, and the joint made gas tight with red or white lead. Rubber washers for floor connections shall not be used.

Back Air Pipes, Vents, etc.*Traps to be Protected From Siphonage.*

Traps shall be protected from siphonage or air pressure by special iron or brass air pipes of a size not less than the waste pipes they serve; back air pipes shall not be connected to the trap or branched into the waste pipe except where a continuous vent is not practicable, but a suitable non-siphon trap may be used without a back air pipe upon the approval of the building commissioner.

Connection of Air Pipes, Prescribed.

Back air pipes shall enter the waste pipe within eighteen inches from the trap and shall be a continuation of the waste pipe. Lead air pipes may be used only for short connections where they are exposed to view. Air pipes for water-closet traps shall be connected to the highest point of bend or trap, and may be of two inch bore if for not more than three fixtures and less than thirty feet in length; if for not more than three fixtures or more than thirty feet in length they shall be of three inch bore. Air pipes shall be run as direct as possible and if one and one half inches or less in diameter shall not exceed thirty feet in length. Two or more air pipes may be connected together or with a vent pipe; but in every such case the connection shall be above the top of the fixture.

Air Pipe of Topmost Fixtures, Regulated.

The trap for the upper fixture on a line of soil or waste pipe, within five feet of the stack in a horizontal line, shall not require a special air pipe, unless the outlet is branched into a stack more than eighteen inches below the top water line of the trap. Diameters of vent pipes shall be not less than two inches for main vents through less than seven stories; three inches for water-closets on more than

three floors, and for other fixtures in more than seven stories. All vent pipes shall be increased one inch in diameter before passing through the roof.

Vent Lines to be so Connected at Bottom as to Carry off Water of Condensation. Angle for Offsets, Supports for Pipes.

Vent lines shall be connected at the bottom with a soil or waste pipe or with the drain, in such a manner as to prevent accumulation of rust scale and properly to drip the water of condensation. Offsets shall be made at an angle of not less than forty-five degrees. Soil pipes or iron waste pipes, vents and back air pipes, shall be supported by clamps to the woodwork, iron drive hooks to brick walls, or bolted clamps to iron girders.

Non-Siphon Traps, Round Traps.

All traps, except for water-closets, not provided with special air pipes shall be suitable non-siphon traps and shall have at least a four-inch water seal. Round traps shall be not less than four inches in diameter and eight inches long, and made of eight-pound lead. All trap screws shall be water sealed.

Chemical Laboratories.

Fixtures and waste pipes in chemical laboratories shall be installed in accordance with plans approved by the building commissioner.

Stables.

The drainage of stable fixtures shall be constructed according to plans approved by the building commissioner.

1892, 419, s. 128 For penalty see section 132 (chap. 2, s. 20 preceding).

(9)

Vent Line for Vertical Series of Bath Rooms or Kitchens, Prescribed.

Acts 1907, Ch. 550. SECT. 118. In buildings where a series of bath rooms or kitchens are located directly over each other and have a common soil or waste pipe, the back air pipe required shall be a vent line connecting with each outlet branch close to the water-closet connection or outlet from the sink trap, each branch vent to connect to vent line above the top of the highest fixture on each floor, the vent line to connect to main vent line above the top of the highest fixture in the building.

Air Pipes May be Omitted in Certain Batteries of Water-Closets.

In the case of batteries of water-closets or other fixtures the special air pipe from each trap may be omitted, provided that the soil or waste pipe, undiminished in size, is continued to a point above the roof or revented into the main soil pipe system above the top of the uppermost fixture.

The (building) commissioner shall prepare explanatory sketches showing the method of construction described in this section.

(10)

Refrigerator Wastes and Drip Pipes.

Not to be Connected Directly to Drain.

Acts 1907, Ch. 550. SECT. 119. All drip or overflow pipes shall be extended to some place in open sight, and in no case shall any such pipe be connected directly with the drain pipe. No waste pipe from a refrigerator or other receptacle in which provisions are stored shall be connected directly with a drain or other waste pipe. The waste pipes from all other fixtures shall be connected directly with a drain pipe.

Traps Required for Certain Wastes.

Refrigerator wastes connecting with two or more stories shall be supplied with a trap on the branch for each floor and extended through the roof.

1892, 419, s. 129.

For penalty see section 132 (chap. 2, s. 20, preceding).

(11)

Water-closets, etc.*Tank Supply, Required, Flush Pipe.*

Acts 1907, Ch. 550. SECT. 120. Every water-closet or line of water-closets shall be supplied with water from a tank or cistern, and shall have a flushing pipe of not less than one and one quarter inches in diameter.

Construction of Privy Vaults, Prescribed.

Privy vaults shall be of brick and cement of a capacity of not less than fifty cubic feet, of easy access, convenient to open, and clean, and water tight. The inside shall be not less than two feet from the next lot and from any public or private way.

1892, 419, ss. 130, 131.

For penalty see section 132 (chap. 2, s. 20 preceding).

(12)

Diameters of Soil and Waste Pipes.

Acts 1907, Ch. 550. SECT. 121. Par. 1. The diameters of soil and waste pipes shall be not less than those given in the following table:

	Inches.
Soil pipes	4
Main waste pipes	2
Main waste pipes for kitchen sinks on five or more floors	3
Branch waste pipes for laundry tubs	1½
Branch waste for kitchen sinks	1½
Branch waste for urinals	1½

No branch waste for other fixtures shall be less than 1½ inches.

Except that, with the approval of the (building) commissioner, a three inch soil pipe may be used for one water-closet where it is not practicable to use a four inch pipe.

Use of Lead Waste Pipes Restricted.

Acts 1907, Ch. 550. SECT. 121. Par. 6. The use of lead pipes is restricted to short branches of the soil and waste pipes, bends and traps, and roof connections of inside leaders. "Short branches" of lead pipe shall mean not more than:

- 5 feet of 1½ inch pipe.
- 5 feet of 1½ inch pipe.
- 4 feet of 2 inch pipe.
- 2 feet of 3 inch pipe.
- 2 feet of 4 inch pipe.

Joints, etc.

Par. 9. No slip joint or unions shall be used on traps, waste, vents or back air pipes. Threaded connections on brass traps shall be of the same size as pipe threads for the same size of pipe, and shall be tapered. Connections between lead and iron shall be made by brass sleeves or screw nipples wiped to the lead and calked or screwed into the iron.

Cast-Iron Pipes, etc.

Par. 11. Cast-iron pipes shall be uncoated, sound, cylindrical and smooth, free from cracks and other defects, of uniform thickness and of the grade known to commerce as "extra heavy." If buried under ground they shall be coated with asphaltum or red lead.

Joints to be Gas Tight.

Par. 13. All joints shall be made with picked oakum and molten lead run full, and be made gas tight. No cement joints nor connections between iron and cement or tile pipe or brick drains shall be made within any building.

Fittings for Waste Pipes.

Par. 17. Fittings for waste or soil or refrigerator waste pipes of wrought iron or brass pipe shall be galvanized cast iron, or brass, recessed, and threaded drainage fittings, with smooth interior waterway and threads tapped so as to give a uniform grade to branches of not less than one quarter of an inch per foot.

1892, 419, s. 125. For penalty see section 132 (ch. 2, s. 20 preceding).

(13)

*Drain Pipes, etc.**To be of Sufficient Size and Proper Make.*

Acts 1907, Ch. 550. SECT. 122. Par. 1. Drain and connecting ventilation pipes, vents and back air pipes shall be of sufficient size, and made of extra heavy cast iron pipe if under ground, and if above ground shall be made of extra heavy cast iron, galvanized wrought iron of standard weight, or of not less than number thirteen Stubbs gauge brass pipe within the building, except that lead pipes may be used for short connections exposed to view. Cast iron drains shall extend not less than ten feet from the inside face of the wall, beyond and away from the building.

Supports, Manholes, Grade, Extension.

Par. 2. Drain pipes above ground shall be secured by irons to walls, suspended from floor timbers by strong iron hangers, or supported on brick piers. Proper manholes shall be supplied to reach clean-outs and traps. Every drain pipe shall have a fall of not less than one quarter inch per foot, and shall be extended from a point ten feet outside the inside face of the wall, unobstructed, to and through the roof, undiminished in size, and to a height not less than two feet above the roof, and not less than one foot above the top of any window within fifteen feet and not less than eight feet above the roof if the roof is used for drying clothes or as a roof garden.

Drain Pipe to be Supplied with a Y-Branch Fitted with a Clean-Out Near Point Where Drain Leaves Building.

The drain pipe shall be supplied with a Y branch fitted with a brass clean-out or with an iron stopper, if required, on the direct run, at or near the point where the drain leaves the building. Changes in direction shall be made with curved pipes, and all connections with horizontal or vertical pipes shall be made with Y branches. Saddle hubs shall not be used. All drain pipes shall be exposed to sight within the building, if such exposure is practicable, and shall not be exposed to pressure where they pass through the wall.

Steam Exhausts, etc.

Par. 3. No steam, or vapor, or water of a temperature over one hundred and thirty degrees Fahrenheit shall be discharged from any premises into any sewer,

drain or catch-basin, nor shall any matter or thing be discharged into any sewer which may tend to cause an obstruction of the public sewer or a nuisance or a deposit therein or any injury thereto.

Blow-Off Tanks.

Par. 4. All high pressure steam boilers shall be connected with a blow-off tank of a capacity not less than thirty per cent of the largest boiler connected with such tank. The location of and the connections to said blow-off tank shall be subject to the approval of the superintendent of sewers.

Steam Exhausts.

Par. 5. No steam exhaust or steam drip, unless it be provided with a cooling tank of a capacity approved by the superintendent of sewers, or unless it be connected with the blow-off tank, shall connect with any drain leading to the sewer. Every blow-off tank shall be supplied with a vapor pipe not less than two inches in diameter, which shall be carried above the roof and above the highest windows of the building.

1892, 419, ss. 125, 132. For penalty see section 132 (ch. 2, s. 20 preceding).

(14)

Special Traps, etc.

Grease. Gasolene. Non-Siphon Traps. Sand Boxes.

Acts 1907, Ch. 550. SECT. 123. Every building from which, in the opinion of the superintendent of sewers, grease may be discharged in such quantity as to clog or injure the sewer, shall have a special grease trap satisfactory to the superintendent of sewers. Every building in which gasolene, naphtha or other inflammable compounds are used for business purposes shall be provided with a special trap, satisfactory to the superintendent of sewers, so designed as to prevent the passage of such material into the sewer, and ventilated with a separate pipe rising to a point four feet above the roof. All non-siphon traps shall be of a type approved by the commissioner. The waste pipe of every wash stand for vehicles shall be provided with a sand box of sufficient capacity.

Grease Traps for Hotels, etc.

The waste pipe from the sink of every hotel, eating house, restaurant or other public cooking establishment, shall be connected to a grease trap of sufficient size, easily accessible to open and clean, placed as near as practicable to the fixtures that it serves.

1892, 419, s. 134. For penalty see section 132 (ch. 2, s. 20 preceding).

(15)

Roof Leaders and Surface Drains.

Acts 1907, Ch. 550. SECT. 124. Rain water leaders when connected with house drains shall be suitably trapped and, within the proposed surface drainage area, shall not be connected at the top of the stack, nor extended down through the interior of the building, except by special permit from the (building) commissioner. Whenever a surface drain is installed in a cellar or basement, it shall be provided with a deep seal trap and back water valve. Drain pipes from fixtures in cellars and basements liable to back flow from a sewer shall be supplied with back water valves.

1892, 419, s. 126. For penalty see section 132 (ch. 2, s. 20 preceding).

II.

ORDINANCES.

(16)

Emptying Cesspools Without Permit, Forbidden.

R. O. 1914, Ch. 40. SECT. 16. No person shall empty* a cesspool, vault, or privy, except in accordance with a permit from the board of health.

For penalty see R. O. 1914, ch. 40, s. 92.

(17)

Discharge of Sewage and Waste Water, Regulated.

R. O. 1914, Ch. 40. SECT. 17. No owner or occupant of a building or of land shall suffer sewage or waste or stagnant water to remain in such building or upon such land. No owner or occupant of land abutting on a private passageway and having the right to use such passageway shall suffer any filth, waste, or stagnant water to remain on that part of the passageway adjoining such land. No person shall discharge any waste water or water from a sink or water-closet, except through a drain into a sewer or cesspool or in accordance with a permit from the board of health.

For penalty see R. O. 1914, ch. 40, s. 92.

(18)

Care of Particular Drains, Regulated.

R. O. 1914, Ch. 40. SECT. 18. No person shall suffer any particular drain from any building or land of which he is the owner or occupant to leak or be out of repair; and no person shall, except in accordance with a permit from the commissioner of public works, enter or attempt to enter a particular drain into a public drain or sewer.

For penalty see R. O. 1914, ch. 40, s. 92.

References.

Sect. (1.) The construction of sewers and drains in Boston shall be done under order of the Board of Street Commissioners who are also empowered to order streams and water courses within the limits of the city to be filled up or diverted from their original channels; and any such channel or any new channel, widened, deepened, paved or covered; and that closed or open sewers or conduit be constructed for the drainage of lands, etc. Acts 1873, ch. 205, s. 1 (as amended 1897, 426, s. 2).

Towns may make by-laws declaring any sewer or drain land in any land or way, public or private, to be a common sewer and that it shall not be laid or connected with any existing common sewer except by the board authorized to lay and maintain common sewers. G. L., ch. 40, s. 21, par. 5.

* The Board of Health shall from time to time make contracts for the cleaning of all vaults in Boston; and shall keep books for record of applications for opening and cleaning vaults. R. O. 1914, ch. 17, s. 3 (Part I., chapter 1, section 22 preceding).

The aldermen of a city, etc., may lay out all such main drains or common sewers as they adjudge necessary for the public convenience or the public health, in public or private ways or in the land of any person, etc. They may also lay out particular sewers from common sewers to the boundary of the way. G. L., ch. 83, s. 1.

Separate system of plumbing. When both a drain for waters and a sewer for sewage is provided in a public way, abutters shall so arrange their plumbing that the waters shall pass into the drain and the sewage into the sewer. G. L., ch. 83, s. 5. See also, G. L., ch. 92, s. 9, relating to estates whose sewage is to be taken into any metropolitan sewer.

The Metropolitan District Commission shall construct, maintain and operate such main sewers and other works as shall be required for a system of sewage disposal for the metropolitan district including Boston. G. L., ch. 92, s. 10.

Business of a master plumber or work as a journeyman prohibited unless lawfully registered or licensed by the state examiners of plumbers. G. L., 143, s. 1-5.

Licenses issued by the examiners shall be valid throughout the commonwealth and shall be renewed annually. Each holder of a master plumber's license required to register his name, etc., with the inspector of buildings of the town wherein he desires to engage in business. Revocation and suspension of licenses. Penalty, G. L., 142, s. 6, 7, 14, 16.

Engaging in or working at the business of plumbing in the city of Boston prohibited unless registered in the office of the building commissioner. Acts 1907, ch. 550, s. 112, 113.

Municipal court of the city of Boston to have jurisdiction of prosecutions relative to plumbing, etc. Acts 1907, ch. 550, s. 130.

Stony brook and its tributaries flowing within the city of Boston shall be and remain under the control of said city. Acts 1874, ch. 196, s. 80.

Discharge of certain sewerage into Dorchester Bay or at any place in Boston Harbor except at Moon Island prohibited. Acts 1882, ch. 256.

CHAPTER 17.—PUBLIC LODGING HOUSES, CERTIFICATION AND REGULATION OF.

Sect.

1. Public lodging house defined. Sleeping compartments arranged on cubicle plan prohibited.
2. Police department authorized to license public lodging houses.
3. Building inspector to certify as to fire escapes, etc.
4. Boards of health to certify that building is provided with sufficient number of water-closets, etc., and with proper means of ventilation. Boards of health authorized to require licensee from time to time to clean building and furniture.
5. Every public lodging house to keep a register.

Sect.

6. Officers of the police, building and health departments to have access to buildings.
7. Penalty for keeping public lodging house without a license.
8. Penalty for certain violations of law.
9. Night watchmen required in certain lodging houses, etc., and corridors to be kept lighted during the night. Description of exits to be posted in every sleeping room.
10. Rules for the government of public lodging houses in the city of Boston.

I.

STATUTES.

(1)

Public Lodging House Defined. Certain Sleeping Compartments Prohibited.

G. L., Ch. 140. SECT. 33. In cities of over fifty thousand inhabitants every building not licensed as an inn, in which ten or more persons are lodged free or for a charge of twenty-five cents or less for each person for a day of twenty-four hours, or for any part thereof, shall be deemed a public lodging house within the meaning of sections thirty-four to forty, inclusive. No building or part thereof erected, altered or converted to be used as such a public lodging house shall have the sleeping compartments arranged on the cubicle plan.

1894, 414, s. 1.

1904, 242, ss. 1, 8.

1911, 129.

1915, 160, s. 1.

(2)

Police Department Authorized to License Same.

G. L., Ch. 140. SECT. 34. The officer or board having charge of the police in any such city may license persons to keep public lodging houses therein, and shall immediately revoke such license if the licensee violates any provision of sections thirty-five to thirty-eight, inclusive. No fee shall be charged for such license, and, subject to section forty-nine of chapter one hundred and forty-three when applicable, it shall expire on the thirtieth day of April next after the granting of the same. Every such license shall specify the street and number, if any, of the building where the business is to be carried on or give some other particular description thereof, and the license shall not protect a licensee who carries on his business in any other place.

1894, 414, ss. 2, 7.

1904, 242, ss. 2, 7, 8.

(3)

Building Department to Certify as to Certain Requirements.

G. L., Ch. 140. SECT. 35. No such license shall be granted in any such city until the inspector of buildings thereof, or the other officer or board having authority to administer the laws and ordinances in regard to the construction of buildings therein, has certified that the building, if it has eight or more rooms or ten or more persons are accommodated above the second story, complies with the requirements of chapter one hundred and forty-three, and in other cases is provided with sufficient means of escape in case of fire, and that suitable appliances are provided for extinguishing fires and for giving alarm to the inmates in case of fire; and such officer or board may from time to time require such alterations to be made or such additional appliances to be provided as may in his or its judgment be necessary for the protection of life and property in case of fire.

1894, 414, s. 3.

1904, 242, ss. 3, 8.

1913, 655, s. 20.

(4)

Health Department to Certify as to Certain Requirements.

G. L., Ch. 140. SECT. 36. No such license shall be granted in any such city until the board of health thereof has certified that the building is provided with a sufficient number of water-closets and urinals and with good and sufficient means of ventilation; and the said board may from time to time require the licensee thoroughly to cleanse and disinfect all parts of said building and the furniture therein to the satisfaction of such board.

1894, 414, s. 4.

1904, 242, ss. 4, 8.

For penalty see (8) following.

(5)

Register.

G. L., Ch. 140. SECT. 37. In every public lodging house a register shall be kept in which shall be entered the name and address of each lodger, together with the time of his arrival and departure, and such register shall at all times be open to the inspection of the police.

1894, 414, s. 5.

1904, 242, ss. 5, 8.

For penalty see (8) following.

(6)

Access for Purposes of Inspection.

G. L., Ch. 140. SECT. 38. The keeper of every public lodging house shall at all times, when so required by any officer of the building department, or the health department, or of the police department, give him free access to said house or any part thereof.

(7)

Penalty for Keeping Public Lodging Houses Without a License.

G. L., Ch. 140. SECT. 39. Whoever keeps or holds himself out as keeping a public lodging house without being duly licensed as hereinbefore provided, and whoever is concerned or financially interested in any public lodging house, the keeper of which is not so licensed, shall be punished by a fine of not more than one hundred dollars.

1894, 414, s. 7.

1904, 242, ss. 7, 8.

(8)

Penalty.

G. L., Ch. 140. SECT. 40. Any keeper of a public lodging house who violates any provision of sections thirty-five to thirty-eight, inclusive, shall be punished by a fine of one hundred dollars.

1894, 414, s. 7.

1904, 242, ss. 7, 8.

(9)

Night Watchmen Required in Certain Lodging Houses.

G. L., Ch. 143. SECT. 44. The keeper of a hotel, boarding or lodging house or family hotel containing one hundred or more sleeping rooms, and being four or more stories high, shall have therein at least two competent watchmen, each properly assigned, and each on duty between the hours of nine o'clock at night and six o'clock in the morning. The keeper of every hotel, boarding or lodging house or family hotel containing fifty or more sleeping rooms, but less than one hundred, and being three stories high, shall have between said hours at least one competent watchman on duty therein. In all such hotels, lodging houses or family hotels, the halls, corridors and stairways shall be properly lighted at night, and a red light shall be kept during the night at the top and bottom of each flight of stairs; and one or more proper alarms or gongs, capable of being heard throughout the house, shall always remain easy of access and ready for use in every such building to give to the inmates warning of fire. The keeper of every such hotel, boarding or lodging house or family hotel shall keep a notice descriptive of such means of escape conspicuously posted in every sleeping room.

1883, 251, s. 1.

1884, 223, s. 2.

R. L., 104, s. 29.

1913, 655, s. 42. Penalty, s. 46.

II.**RULES.**

(10)

For the Government of Public Lodging Houses.

Adopted March 22, 1898, amended June 10, 1902, and further amended July 29, 1909. Voted to adopt the following rules for the government of lodging houses:

Record of Baths.

1. A record, uniform in the different lodging houses, shall be kept in each house on which there shall be placed the names of all lodgers, the date, number of the bed and the dates of baths and their repetitions.

Light and Ventilation.

2. The means for light and ventilation shall be satisfactory to the Board of Health, and beyond the control of lodgers. All windows must be permanently open at least 12 inches at the top.

Floors and Stairs.

3. All floors and stairs must be sound, smooth and either painted or shel-lacked.

Area of Sleeping Rooms.

4. There shall be allowed no less than 400 cubic feet of space to each lodger in sleeping rooms.

Use of Certain Room for Sleeping, Regulated.

5. Single or small rooms are forbidden except by special permit of the Board of Health.

Separation of Beds.

6. There shall not be less than two feet horizontally between the sides of any two beds.

Bedsteads.

7. All bedsteads must be single and of iron.

Blankets.

8. Blankets are required, and "comforters" are prohibited.

Mattresses.

9. Mattresses shall be wholly covered with a waterproof covering.

Sleeping in Day Clothes Forbidden.

10. No person shall be permitted to retire or sleep in his day clothing.

Cleanliness Required.

11. No person who is not clean shall be allowed to retire without a bath.

Taking of Baths Prescribed.

12. A new applicant shall not be lodged unless he shall have first taken a shower bath, and he shall not be lodged for more than seven consecutive nights without repeating the shower bath. For the purpose of this section a "new applicant" shall be interpreted to mean a person who has not been lodged at the same place the night previous.

Number and Location of Water-closets and Baths Prescribed.**Construction of Floors.**

13. Water-closets (one to every twenty lodgers) lavatories and shower baths, with hot and cold water, all with open plumbing, shall be furnished on each floor. The floors of all water-closets, lavatories and shower baths shall be of marble, slate or concrete.

Use of Certain Receptacles Forbidden.

14. All movable receptacles for excretions are prohibited.

Smoking Regulated.

15. Smoking in sleeping rooms is prohibited.

Exits.

16. All stairways, fire-escapes, and other means of exit in cases of fire shall be in accordance with the statutes and ordinances on that subject, and to the satisfaction of the Building Commissioner.

Use of Stoves Regulated.

17. Stoves for heating are forbidden except by special permission of the Board of Health.

Use of Certain Lamps Forbidden.

18. The use of portable kerosene lamps is prohibited.

Night Watchman Required.

19. A reliable watchman shall be in attendance at all hours of the night.

Certain Towels Prescribed.

20. Individual towels, 18 inches by 36 inches for general bath, and 18 inches by 12 inches for face and hands, shall be furnished.

Spitting Regulated.

21. Cuspidors shall be furnished, and no spitting shall be allowed on any floor or surface of any room.

For penalty see G. L., 111, s. 122 (chap. 14, section 1 preceding).

References.

Sect. (1.) The state department of public health authorized to prohibit in hotels and such public places, vehicles or buildings as it may designate the providing of a common drinking cup or a common towel, and may establish rules and regulations for this purpose. Whoever violates any such rule or regulation shall be punished by a fine of not more than twenty-five dollars. G. L., ch. 11, s. 8.

No common drinking cup shall be provided:

- a. In any public park, street or way.
- b. In any building or premises used as a public institution, hotel, theatre, public hall or public school.
- c. In any railroad station, railroad car, steam or ferry boat. Reg., State Board of Health, July 21, 1910.

No common towel shall be provided:

- a. In a lavatory used in connection with any public institution, schoolhouse, hotel, restaurant, theatre or public hall.
- b. In a lavatory used in connection with any railroad station, railroad car, steam or ferry boat.

The term "common towel" as used in above regulations shall be considered to mean a roller towel or a towel available for use by more than one person without being washed after such use. Reg. State Board of Health, April 4, 1912.

PART V. — FOOD INSPECTION.

- Chapter 1. Animals Affected with Contagious Disease.
- Chapter 2. Animals Intended for Slaughter.
- Chapter 3. Bakeries. Construction and Maintenance of.
- Chapter 4. Bakery Products. Baking Powder.
- Chapter 5. Butchers' Slaughtering and Melting Association.
- Chapter 6. Butter, Cheese, Oleomargarine and Ice Cream.
- Chapter 7. Cold Storage Warehouses.
- Chapter 8. Foods and Beverages, Sanitary Requirements for
Business of Producing and Selling.
- Chapter 9. Foods and Drugs, Adulteration and Misbranding of.
- Chapter 10. Licenses:
 - A. Alcohol, Methyl or Wood and Denatured.
 - B. Beverages, Carbonated Non-alcoholic.
 - C. Eggs, the Breaking and Canning of.
 - D. Graded Milk.
 - E. Milk and Cream.
 - F. Oleomargarine.
 - G. Sausages and Chopped Meat of Any Kind.
- Chapter 11. Market Limits.
- Chapter 12. Meat and Provisions, Inspection of. Lard.
- Chapter 13. Medical Milk Commission.
- Chapter 14. Milk, The Inspection of.
- Chapter 15. Offensive Trades, Assignment of Places for.
- Chapter 16. Pedlers and Hawkers.
- Chapter 17. Vinegar.

CHAPTER 1.—ANIMALS AFFECTED WITH CONTAGIOUS DISEASE.

Seet.

1. Provisions of chapter 129 relative to the duties of inspectors shall apply to city of Boston officials.
2. Definitions.
3. State director may make regulations relative to (1) the sanitary condition of places where cattle, etc., are kept (2) the prevention of contagious diseases of domestic animals; (3) the inspection of animals affected with such disease; (4) the burial of carcasses; and (5) the disinfection of places where contagion exists. Regulations not to take effect until approved by governor, etc.
4. Sheriffs, etc., shall aid inspectors, upon request.
5. Inspectors authorized to enter building, etc., and inspect animals, etc. Penalty for obstructing inspector and for secreting animals to prevent their inspection.
6. State director may establish hospitals for investigating means of destroying certain diseases and may direct inspectors to enforce regulations relating thereto.
7. State director shall cause certain animals to be isolated or killed. Order for killing. How issued and to whom. State to pay expenses of killing and burial. Owner to be compensated in certain cases.
8. Cattle affected with foot and mouth disease shall be destroyed when state director is of opinion that public good so requires. Order for killing and disposal of carcasses, how issued and to whom. Directions for cleansing and disinfection of buildings, etc., where foot and mouth disease exists, etc. Destruction of infected property. Expenses to be paid by state. Appraisals. Part of such appraisal authorized to be paid from state annual appropriation.
9. Penalty for the refusal or neglect of any inspector to comply with orders of state director.
10. Duties of inspectors. Shall make inspections (1) regularly of all cattle, etc.; (2) from time to time of all domestic animals affected with any contagious disease; and (3) immediately of such domestic animals as state director may require. Exception in case of sheep or swine slaughtered in wholesale slaughtering establishments.

Seet.

11. Certificate of condition. When to be delivered to owner. Form. Record.
12. Inspectors shall cause certain animals to be quarantined, etc., and shall deliver order of quarantine to owner. Form. Record.
13. Order of quarantine. How served. Copy with endorsement of such service to be evidence of establishment of quarantine. Any animals quarantined shall remain therein until state director orders.
14. Additional duties of inspectors. Examination of all places where meat cattle are kept. Report to state director.
15. Copy of quarantine order to be given to state director. Information not to be divulged.
16. Record of inspections. Returns thereof to be made regularly to state division. When returns may be destroyed. Forms to be prescribed by state director.
17. Animals from outside state which are infected may be quarantined at expense of owner and state director may cause them to be killed without payment.
18. Boards of health, etc., or any other person having knowledge of any contagious disease among domestic animals shall give written notice thereof to state director or local inspector. Penalty. Duties of director and of inspector upon receipt of such notice. Contagious disease defined.
19. Quarantined animals shall be deemed infected. When released, animal not to be again quarantined during a certain period except upon order of state director. Penalty for breaking quarantine, etc., or removing a quarantined animal, etc., or placing other animals within quarantine grounds, or concealing, selling, etc., any animal knowing it is infected or permitting such animal to go at large, or bringing such animal into the state or disobeying order or regulation of state director or inspectors.
20. Use of tuberculin as a diagnostic agent, regulated. Tests to be made without charge to citizens. Other cases shall be paid by owner, etc.
21. Identification marks of tuberculin tested cattle. Seller of certain animals shall furnish buyer with certain written information. Penalty.

Sect.

22. Effect of failure to comply with certain regulations of the state director. Loss of compensation from state. Penalty.
23. Certain cattle shall not be driven on any public road, etc., contrary to an order of the state director; and in all stock-yards shall be kept in different pens from other cattle. Penalty.
24. Whoever kills an animal and finds that it is infected shall forthwith notify the owner thereof, also the state director or an inspector. Penalty.
25. Order relative to the sanitation of places where neat cattle, etc., kept. Barns, etc., shall be provided with proper ventilation, etc., to satisfaction of state director.
26. Regulation relative to the cleansing and disinfecting of barns and stables. Directions. Laying of dust. Removal of rubbish. Disinfectants prescribed. Manner of application. Second application. Whitewashing, etc. Cautions. Requirements of a sanitary stable.

Sect.

27. Order relative to glanders. All horses within the state may be subjected to certain tests and held in quarantine. After death of animal affected with glanders, its stable, etc., shall be disinfected by owner. No horses, etc., shall be taken into or removed from any stable supposed to be infected. Horse shoers. Barns, etc., where horses, etc., are kept shall be maintained in sanitary condition to satisfaction of state director. Watering troughs.
28. Order relative to rabies. Mayors, etc., of certain cities shall order all dogs to be muzzled, or restrained from running at large, when advised by state director, and upon their neglect so to do for seven days, the state director may make such order. The killing of certain dogs and cats authorized upon order of state director. Certain dogs shall be quarantined for observation. Tampering with notices forbidden.

I.

STATUTES.

(1)

Provisions of Chapter 129 Relative to the Duties of Inspectors Shall Apply to City of Boston Officials.

G. L., Ch. 129. **SECT. 26.** The provisions of this chapter relative to the duties of inspectors shall apply to persons officially performing the functions of inspectors in Boston.

1912, 608, s. 7.

(2)

Definitions.

G. L., Ch. 129. **SECT. 1.** The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings:

"Agent," employees of the (state) division of animal industry especially designated as agents by the director.

"Contagious disease," such disease as is recognized by the United States Bureau of Animal Industry to be contagious or infectious.

"Director" (state), director of animal industry.

"Division" (state), division of animal industry.

"Inspector," inspector of animals appointed under section 15 or 16.

(3)

State Director may make Regulations Relative to (1) the Sanitary Condition of Places Where Cattle, etc., are Kept; (2) the Prevention of Contagious Diseases of Domestic Animals; (3) the Inspection of Animals Affected With Such Disease; (4) the Burial of Carcasses; and (5) the Disinfection of Places Where Contagion Exists. Regulations not to Take Effect Until Approved by Governor, etc.

G. L., Ch. 129. **SECT. 2.** The (state) director may make and enforce reasonable orders, rules and regulations relative to the following: The sanitary

condition of neat cattle, other ruminants and swine and of places * where such animals are kept; the prevention, suppression and extirpation of contagious diseases of domestic animals; the inspection, examination, quarantine, care and treatment or destruction of domestic animals affected with or which have been exposed to contagious disease, the burial or other disposal of their carcasses, and the cleansing and disinfection of places where contagion exists or has existed. No rules or regulations shall take effect until approved by the governor and council.

1860, 221, s. 6.
1899, 498, s. 4.
1911, 381, s. 1.
1919, 350, ss. 40, 44.

P. S. 90, s. 16.
R. L. 90, s. 4.
1912, 608, s. 4.
2 Op. A. G. 425, 542.

1894, 491, s. 38.
1902, 116, s. 3.
1913, 329.
3 Op. A. G. 208.

(4)

Sheriffs, etc., Shall Aid Inspectors, Upon Request.

G. L., Ch. 129. SECT. 6. Sheriffs, constables and police officers shall upon request of the director or an inspector assist him in the performance of his duties and shall have the same powers and protection, while so engaged as peace officers.

1894, 491, s. 57.
1902, 116, s. 3.
1899, 408, s. 11.

1912, 608, s. 4.
R. L. 90, s. 9.

1913, 329.
1919, 350, ss. 40, 44.

(5)

Inspectors Authorized to Enter Buildings, etc., and Inspect Animals, etc. Penalty for Obstructing Inspector and for Secreting Animals to Prevent their Inspection.

G. L., Ch. 129. SECT. 7. For the purpose of inspecting or examining animals or the places where they are kept, the (state) director, any of his agents or an inspector, duly qualified, may enter any building or part thereof or any enclosure or other place, and may examine or inspect such animals or places. Whoever prevents, obstructs or interferes with such director, agent, inspector or other person having like authority in the performance of any of his duties, or whoever hinders, obstructs or interferes with his making such inspection or examination, or whoever secretes or removes any animal, for the purpose of preventing it from being inspected or examined, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than two months, or both.

1894, 491, s. 13.
1902, 116, s. 3.
1913, 329.
1920, 2.

1899, 108, s. 28.
1911, 381, s. 1, 3.
1918, 257, s. 314.

R. L. 90, ss. 23.
1912, 608, s. 4.
1919, 5; 350, s. 40, 44.

(6)

State Director May Establish Hospitals for Investigating Means of Destroying Certain Diseases and May Direct Inspectors to Enforce Regulations Relating Thereto.

G. L., Ch. 129. SECT. 8. The (state) director may establish hospitals or quarantine stations, with proper accommodations, wherein, under prescribed regulations, animals selected by him may be confined and treated for the purpose

* For penalty see (22) following.

NOTE.—For penalty for any violation of any order or regulation made under above section see (19) following.

of determining the characteristics of a specific contagion and the methods by which it may be disseminated or destroyed, and he may direct inspectors to enforce and carry into effect all regulations made from time to time for that purpose.

1860, 221, s. 3.	1899, 408, s. 6.	1919, 350, ss. 40, 44.
1894, 491, s. 41.	1913, 329.	1887, 252, s. 11.
1912, 608, s. 4.	P. S. 90, s. 14.	1902, 116, s. 3.
1878, 24, s. 1.	R. L. 90, s. 5.	

(7)

State Director Shall Cause Certain Animals to be Isolated or Killed. Order for Killing. How Issued and to Whom. State to Pay Expense of Killing and Burial. Owner to be Compensated in Certain Cases.

G. L., Ch. 129. SECT. 11. (As amended by Acts 1922, Ch. 353.) If the (state) director, or one of his agents, by examination of a case of contagious disease of domestic animals, except foot and mouth disease, is of opinion that the public good so requires, he shall cause the diseased animal to be securely isolated or to be killed without appraisal or payment. An order for killing shall be issued in writing by the director, may be directed to an inspector or other person, and shall contain such direction as to the examination and disposal of the carcass and the cleansing and disinfection of the premises where such animal was condemned as the director considers expedient. A reasonable amount may be paid from the treasury of the commonwealth for the expense of such killing and burial. If thereafter it appears, upon post mortem examination or otherwise, that such animal was free from the disease for which it was condemned, an appraisal of such animal shall be made and the amount of appraisal value therefor shall be paid to the owner by the commonwealth, except as otherwise provided in section fourteen relative to foot and mouth disease.

1860, 192, s. 2.	1894, 491, s. 45.	1912, 608, s. 4.
1881, 184.	1902, 116, s. 3.	152 Mass. 540.
1893, 306, s. 2.	1919, 350, ss. 40, 44.	1879, 160.
R. L. 90, s. 6.	221, s. 7.	1892, 195, s. 3.
1917, 121, ss. 1, 2.	1878, 24, s. 1.	1899, 408, s. 8.
219, s. 2.	1887, 252, ss. 12, 13.	1913, 329.
P. S. 90, ss. 17, 18.	1895, 596, s. 10.	3 Op. A. G. 208.

(8)

Cattle Affected With Foot and Mouth Disease Shall be Destroyed When State Director of Opinion that Public Good so Requires. Order for Killing and Disposal of Carcasses How Issued and to Whom. Directions for Cleansing and Disinfection of Buildings etc. Where Foot and Mouth Disease Exists, etc. Destruction of Infected Property. Expenses to be Paid by State. Appraisals. Part of Such Appraisal Authorized to be Paid from State Annual Appropriation.

G. L., Ch. 129. SECT. 14. All neat cattle and other domestic animals, which are affected with, or have been exposed to, foot and mouth disease, shall be destroyed when, in the opinion of the (state) director, the public good so requires, and their carcasses shall be buried or otherwise disposed of. An order for killing and for the disposal of carcasses shall be issued in writing by said director, and may be directed to an agent, an inspector, or other person. The said director shall also issue such directions for the cleansing and disinfection of buildings, premises and places in which foot and mouth disease exists or has existed, and of property which may be on or contained therein, as in his opinion may be

necessary or expedient. Any property on such premises which may be, in the opinion of the director or of his agents, a source of contagion may be destroyed by order of the director. The necessary contagion may be destroyed by order of the director. The necessary expenses incurred in carrying out this section may be paid from the annual appropriation for the extermination of contagious diseases among domestic animals. The director may appoint persons to make appraisals on live stock and other property the destruction of which is ordered under this section, and fifty per cent of the full value of such live stock and other property, as determined by the appraisal, may be paid from the annual appropriation aforesaid. If the United States government makes an appropriation for payment of a certain portion of the value of any animals and property destroyed under this section, the payment by the commonwealth for such animals or property shall be limited to the difference between such portion and the full value thereof determined as herein provided, which shall not be in excess of fifty per cent of such value.

1917, 121, ss. 1, 2.

1919, 350, ss. 40, 44.

(9)

Penalty for Refusal or Neglect of any Inspector to Comply with Orders of State Director.

G. L., Ch. 129. SECT. 18. Each inspector shall comply with and enforce all orders and regulations directed to him by the (state) director. If he refuses or neglects so to do, he shall be punished by a fine of not more than five hundred dollars.

1894, 491, ss. 3, 42.

1919, 350, ss. 40, 44.

1912, 608, s. 4.

1913, 329.

1902, 116, s. 3.

1899, 408, ss. 21, 31.

R. L. 90, s. 16.

(10)

Duties of Inspectors. Shall Make Inspections (1) Regularly of all Cattle, etc.: (2) From Time to Time of all Domestic Animals Affected With any Contagious Disease; and (3) Immediately of Such Domestic Animals as State Director May Require. Exception in Case of Sheep or Swine Slaughtered in Wholesale Slaughtering Establishments.

G. L., Ch. 129. SECT. 19. Inspectors shall make regular and thorough inspections of all neat cattle, sheep and swine found within the limits of their respective towns. Such inspections shall be made at such times and in such manner as the (state) director shall from time to time order. They shall also from time to time make inspections of all other domestic animals within the limits of their respective towns if they know, or have reason to suspect, that such animals are affected with or have been exposed to any contagious disease, and they shall immediately inspect all domestic animals and any place where any such animals are kept whenever directed so to do by the director; but this section shall not apply to the inspection of sheep or swine slaughtered in wholesale slaughtering establishments, or to the obtaining of a license for the slaughtering of such sheep or swine.

1892, 195, s. 2.

1902, 116, s. 3.

1899, 408, s. 22.

R. L. 90, s. 17.

3 Op. A. G., 208.

1913, 329.

1919, 350, ss. 40, 44.

1895, 496, s. 1.

1894, 491, s. 4.

1912, 608, s. 4.

(11)

Certificate of Condition. When to be Delivered to Owner. Form. Record.

G. L., Ch. 129. SECT. 20. An inspector who is satisfied, upon an examination of any neat cattle, sheep or swine, that they are free from contagious disease, shall deliver to the owner or to the person in charge thereof a written certificate of their condition, in such form as the (state) director shall prescribe, signed by the inspector, and shall enter a copy of said certificate upon his records.

1894, 491, s. 6.

1912, 608, s. 4.

R. L. 90, s. 18.

1902, 116, s. 3.

1899, 408, s. 23.

1919, 350, s. 40, 44.

1895, 496, s. 2.

1913, 329.

(12)

Inspectors Shall Cause Certain Animals to be Quarantined, etc. and Shall Deliver Order of Quarantine to Owner. Form. Record.

G. L., Ch. 129, SECT. 21. An inspector who, upon an examination of a domestic animal, suspects, or has reason to believe, that it is affected with a contagious disease shall immediately cause it to be quarantined or isolated upon the premises of the owner or of the person in whose charge it is found, or in such other place as he may designate, and shall take such other sanitary measures to prevent the spread of such disease as may be necessary or as shall be prescribed by any order or regulation of the (state) director. He shall also deliver to the owner or person in charge of such animal, or to any person having an interest therein, a written notice or order of quarantine signed by him, in such form as the director shall prescribe, and shall enter a copy of said notice upon his records.

1860, 219, s. 1.

R. L. 90, s. 19.

1894, 491, s. 7.

1899, 408, s. 24.

3 Op. A. G. 208.

1912, 608, s. 4.

1919, 350, ss. 40, 44.

P. S. 90, s. 1.

1913, 329.

1878, 24, s. 1.

1902, 116, s. 3.

(13)

Order of Quarantine. How Served. Copy with Endorsement of Such Service, to be Evidence of Establishment of Quarantine. Any Animals Quarantined Shall Remain Therein Until State Director Orders.

G. L., Ch. 129. SECT. 22. Such notice or order may be served by an inspector or officer qualified to serve civil process, by delivery in hand to, or leaving at the last and usual place of abode of, the owner or person having an interest in or in charge of the animal concerned, or by posting upon the premises where said animal is quarantined or isolated. A copy thereof, with the return of said officer or inspector thereon that such service has been made, shall be competent evidence in any court that such quarantine has been imposed. If an animal has been so quarantined, it shall remain in quarantine until the further order of the (state) director.

1894, 491, s. 8.

1913, 329.

1902, 116, s. 3.

1912, 608, s. 4.

R. L. 90, s. 20.

1899, 408, s. 25.

1919, 350, ss. 40, 44.

(14)

Additional Duties of Inspectors. Examination of all Places Where Neat Cattle are Kept. Report to State Director.

G. L., Ch. 129. SECT. 23. Inspectors shall, in addition to their inspections of animals for contagious diseases, examine the places * in which neat cattle are kept, with reference to their situations, cleanliness, light, ventilation and water supply, and the general condition and cleanliness of the said neat cattle, and shall make a detailed report, with names and residences of owners, to the (state) director.

1899, 408, s. 29.
1913, 320.

R. L. 90, s. 24.
1919, 350, ss. 40, 44.

1902, 116, s. 3.
1912, 608, s. 4.

(15)

Copy of Quarantine Order to be Given to State Director. Information not to be Divulged.

G. L., Ch. 129, SECT. 24. An inspector who has caused a domestic animal to be quarantined, as provided in section twenty-one, shall immediately give a written notice thereof, with a copy of the order of quarantine, to the director, and shall give such information to no other person.

1894, 491, s. 9.
1912, 608, s. 4.
1899, 408, s. 27.

1913, 329.
R. L. 90, s. 22.
1919, 350, ss. 40, 44.

1902, 116, s. 3.

(16)

Record of Inspections. Returns Thereof to be Made Regularly to State Division, When Returns May be Destroyed. Forms to be Prescribed by State Director.

G. L., Ch. 129. SECT. 25. Each inspector shall keep a record of all inspections made by him and of his doings therein, and shall make regular returns thereof to the (state) division, but such returns need not be retained for more than two years, and may then be destroyed or disposed of by their lawful custodian, and any proceeds received in the course of their disposal shall be paid to the commonwealth. The (state) director shall prescribe the form in which and the times at which such records and returns shall be made, and may at any time inspect them and make copies thereof.

1894, 491, s. 5.
1912, 608, s. 4.
1899, 408, s. 19.

1913, 329.
R. L. 90, s. 15.
1916, 147.

1902, 116, s. 3.
1919, 350, ss. 40, 44.

(17)

Animals from Outside State Which are Infected May be Quarantined at Expense of Owner and State Director May Cause Them to be Killed Without Payment.

G. L., Ch. 129. SECT. 27. Animals brought into this commonwealth from places which in the opinion of the (state) director are infected, may be seized and quarantined by the director at the expense of their owners or consignees, so long as the public safety requires, and, if in his opinion safety so requires, he may cause such animals to be killed without appraisal or payment.

1887, 252, s. 20.
1902, 116, s. 3.
1894, 491, s. 53.

1912, 608, s. 4.
1899, 408, s. 12.
1913, 329.

R. L. 90, s. 10.
1919, 350, ss. 40, 44.

* For order relative to sanitation of places where neat cattle are kept, see (25) following.

(18)

Boards of Health, etc., or Any Other Person Having Knowledge of Any Contagious Disease among Domestic Animals Shall Give Written Notice Thereof to State Director or Local Inspector. Penalty. Duties of Director and of Inspector upon Receipt of Such Notice. Contagious Disease Defined.

G. L., Ch. 129. SECT. 28. The board of health of a town, any member or agent thereof or any other person who has knowledge of or reason to suspect the existence of any contagious disease * among any domestic animals in the commonwealth, or that any domestic animal is affected with a contagious disease, whether such knowledge is obtained by personal examination or otherwise shall immediately give written notice thereof to the (state) director, or to an inspector for the town where the animal is kept. Whoever fails to give such notice shall be punished by a fine of not more than one hundred dollars. Upon the receipt of such notice by said inspector, he shall proceed as provided in sections twenty-one, twenty-two, twenty-four and twenty-nine. Upon receipt of such notice by the director he shall inspect or cause his agent to inspect such animal, and thereafter shall proceed as provided in section eleven or fourteen, as the case may be.

1860, 219, s. 9.

1885, 148, ss. 1, 2.

1902, 116, s. 3.

221, s. 5.

1887, 252, ss. 6, 7.

1908, 515, s. 1.

1878, 24.

1894, 491, ss. 29, 30.

1912, 608, ss. 4, 5.

1879, 178.

1899, 408, ss. 14, 15.

1913, 329.

P. S. 90, ss. 9, 15.

R. L. 90, s. 11.

1919, 350, ss. 40, 44.

(19)

Quarantined Animals Shall be Deemed Infected. When Released Animal Not to be Again Quarantined During a Certain Period Except Upon Order of State Director. Penalty for Breaking Quarantine, etc., or Removing a Quarantined Animal, etc., or Placing Other Animals Within Quarantine Grounds, or Concealing, Selling, etc., Any Animal Knowing it is Infected or Permitting such Animal to go at Large, or Bringing Such Animal into the State or Disobeying Order or Regulation of State Director or Inspectors.

G. L. Ch. 129. SECT. 30. An animal which has been quarantined or isolated by order of the (state) director or of his agent, or of an inspector, shall during the continuance of such quarantine or isolation, be deemed to be affected with a contagious disease. Whenever an animal has been released from quarantine by order of the director the same animal shall not again be quarantined or isolated by an inspector during the period of thirty days immediately following such release except upon order of the director. Whoever knowingly breaks or authorizes or causes to be broken a quarantine so imposed, or whoever, contrary to such

* "Contagious Disease" as used in G. L., Chap. 129, shall mean such disease as is recognized by the United States Bureau of Animal Industry to be contagious or infectious. G. L., c. 129, s. 1. "Contagious diseases" as used in the regulations of the United States Department of Agriculture (Bureau of Animal Industry) for the inspection of animals imported into the United States, shall mean the following: Glanders and farcy, dourine, distemper or strangles, epizootic lymphangitis, anthrax, contagious pleuropneumonia, splenetic or Texas fever, tuberculosis, foot and mouth disease, rinderpest, surra, variola, foot rot, scabies, hog cholera, swine plague, swine erysipelas and other contagious and infectious diseases of cattle, sheep or other ruminants and swine. Regulation No. 2, effective September 1, 1919, made by the United States Secretary of Agriculture under authority of 32 Stat. L. 791, s. 2.

order of quarantine or isolation, knowingly removes an animal or authorizes or causes it to be removed from a building, place or enclosure where it is quarantined or isolated, or whoever, contrary to an order or notice of quarantine, knowingly places or causes or authorizes to be placed any other animals within a building, place or enclosure where an animal is quarantined, or in contact therewith, or whoever knowingly conceals, sells, removes or transports, or knowingly causes or authorizes to be concealed, sold, removed, or transported, an animal, knowing or having reasonable cause to believe that it is affected with a contagious disease, or whoever knowingly authorizes or permits to be brought from another country, state, district or territory into this commonwealth, an animal which is affected with or has been exposed to a contagious disease, or whoever disobeys a lawful order or regulation of the director or of any of his agents or of inspectors in the performance of their duty under this chapter, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

1860, 221, s. 10.

1893, 306, s. 4.

1902, 116, s. 3.

1919, 350, ss. 40, 44.

1879, 178.

1894, 491, ss. 34, 47.

1912, 608, s. 4.

1 Op A. G. 74.

P. S. 90, s. 19.

1899, 408, ss. 32, 36.

1913, 329.

1887, 252, s. 14.

R. L. 90, ss. 25, 29.

1918, 39.

(20)

Use of Tuberculin as a Diagnostic Agent, Regulated. Tests to be Made Without Charge to Citizens, Other Cases Shall be Paid by Owner, etc.

G. L., Ch. 129. SECT. 32. Tuberculin as a diagnostic agent for the detection of tuberculosis in domestic animals shall be used only upon cattle brought into the commonwealth and upon cattle in quarantine stations at Brighton, Watertown and Somerville; but it may be used as such diagnostic agent on any animal in any other part of the commonwealth, with the written consent of the owner or person in possession thereof, and upon animals which have been reported as tuberculous upon physical examination by a competent veterinary surgeon. Such tests by the use of tuberculin shall be made without charge to citizens of the commonwealth, and in all other cases the expense of such tests shall be paid by the owner of such animal or by the person in possession thereof.

1895, 496, s. 14.

R. L. 90, s. 31.

1896, 276.

1903, 322.

1897, 165.

1899, 408, s. 42.

(21)

Identification Marks of Tuberculin Tested Cattle. Seller of Certain Animals Shall Furnish Buyer With Certain Written Information. Penalty.

G. L., Ch. 129. SECT. 33A. (Chapter 137, Acts of 1922.) Any bovine animal to which a tuberculin test has been applied may be marked for identification by the insertion into its external ear of a metal tag provided by the (state) director. Any person who sells, exchanges or otherwise disposes of an animal which to his knowledge has reacted to a tuberculin test shall, at the time said reacting animal leaves his possession, furnish a new owner or person into whose charge the animal is transferred with a true copy of the record of said test or a written

statement of the fact of such reaction, signed by him and witnessed. Failure to comply with any provision of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days.

(22)

Effect of Failure to Comply With Certain Regulations of the State Director. Loss of Compensation from State. Penalty.

G. L., Ch. 129. SECT. 34. No compensation shall be allowed by the Commonwealth to an owner of condemned cattle who has failed to comply with the reasonable regulations of the director relative to cleanliness, ventilation, light, disinfection and water supply. An owner of cattle who refuses to comply with any such regulation shall be punished by a fine of not more than fifty dollars.

1899, 408, s. 44. R. L., 90, s. 33.

(23)

Certain Cattle Shall not be Driven on any Public Road etc. Contrary to an Order of the State Director and in all Stock Yards Shall be Kept in Different pens from Other Cattle. Penalty.

G. L., Ch. 129. SECT. 35. Texan, Mexican, Cherokee, Indian or other cattle, which the director has reason to believe may spread contagious disease, shall not be driven on any public way or road, or outside the stock yards connected with any railroad in the commonwealth, contrary to an order of the (state) director, and they shall be kept in different pens from those in which other cattle are kept in all stock yards in the commonwealth. Whoever violates any provision of this section shall be punished by a fine of not less than twenty nor more than one hundred dollars.

1876, 137.

1894, 491, ss. 54-56.

1902, 116, s. 3.

P. S. 90, ss. 26-28.

1899, 408, ss. 38-40.

1912, 608, s. 4.

1887, 252, ss. 21-23.

R. L. 90, s. 30.

1913, 329.

1919, 350, ss. 40, 44.

(24)

Whoever Kills an Animal and Finds That it is Infected Shall Forthwith Notify the Owner Thereof also the State Director or an Inspector. Penalty.

G. L., Ch. 129. SECT. 36. Whoever kills an animal or causes it to be killed, with the consent of the owner or person in possession thereof, upon suspicion that it is affected with or has been exposed to a contagious disease, and who, upon the inspection of the carcass thereof, finds or is of opinion that it is affected with a contagious disease, shall forthwith notify such owner or person in possession thereof, and the director or an inspector of the town where such animal was kept, of the existence of such disease, and of the place where the animal was found, the name of the owner or person in possession thereof, and of the disposal made of such carcass. Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than two months, or both.

1894, 491, s. 35.

1902, 116, s. 3.

1913, 329.

1899, 408, s. 34.

1908, 515, s. 2.

1919, 350, ss. 40, 44.

R. L. 90, s. 27.

1912, 608, s. 4.

II.

Orders, Rules and Regulations of the State Director of Animal Industry.

(25)

Order No. 6 Issued July 31, 1912, Relative to the Sanitation of Places Where Neat Cattle, etc., Kept. Barns, etc., Shall Be Provided with Proper Ventilation, etc., to Satisfaction of State Director.

SECT. 1. Owners or tenants of barns, stables, pastures, yards and other places where neat cattle, other ruminants or swine are kept are required to provide, to the satisfaction of the Commissioner of Animal Industry or his duly authorized agents, as follows:

Proper ventilation, proper space for stabling, sufficient light, proper drainage, proper disinfection of premises, wholesome water supply and proper distribution of same to cattle, proper disposal of excrement, and general cleanliness.

For penalty for violation of above order see (19) and (22) preceding.

(26)

Regulation Adopted October 11, 1917, Relative to the Cleansing and Disinfecting of Barns and Stables.**Directions.***Laying of Dust.*

1. Sprinkle or spray the stall, stanchion or place to be disinfected with sufficient water or disinfectant solution to prevent the dust rising.

Removal of Rubbish.

2. Remove all dirt, cobwebs, rubbish, manure, etc., and, where practicable, tear out wooden mangers, hayracks, loose boarding, etc., and burn them.

Disinfectants Prescribed. Manner of Application. Second Application. White-washing, etc., Cautions. Requirements of a Sanitary Stable.

3. Apply thoroughly to walls, floors, partitions, ceilings, all exposed wood-work, gutters, drains, mangers and watering troughs, one of the following disinfectant solutions:

Cresol compound (U. S. P.) — four ounces to each gallon of water.

Bichloride of mercury (corrosive sublimate) — one part to 1,000 parts of water.

Carbolic acid — four parts to 100 parts of water.

Sulpho-naphthol or other coal tar product of the same character — a 5 per cent solution, *i. e.*, six and one half ounces to each gallon of water.

After the disinfecting solution has dried make a second application in the same way, following which the place disinfected should be whitewashed or painted.

We recommend spraying as the best method of applying a liquid disinfectant.

Watering troughs, halters, harnesses, brushes, wagon-shafts, etc., with which a diseased animal has come in contact should be scrubbed and soaked with the disinfecting solution.

Bichloride of mercury (corrosive sublimate) being a dangerous poison, mangers, watering troughs and places which animals can lick and which have been disinfected with this material should be thoroughly washed before an animal is allowed to come in contact with them.

The infected stall, stanchion or place should remain vacant for as long a time as possible.

Sunlight, perfect ventilation, and proper drainage are necessary to the maintenance of a sanitary stable. Therefore, particular attention should be given to providing them.

(27)

Order No. 33 Issued April 3, 1918, Relative to Glanders.

All Horses, etc., Within the State May be Subjected to Certain Tests and Held in Quarantine.

SECT. 1. Any horses, mules, or asses within this Commonwealth may be subjected to such tests for the detection of glanders as the Commissioner of Animal Industry may deem necessary, and during such tests may be held in quarantine under conditions prescribed by him until released by his order or condemned under the provisions of section 6 of chapter 90 of the Revised Laws. (See G. L. 129, Sect. 11; see (7) preceding.)

After Death of Animal Affected With Glanders, its Stable, etc., Shall be Disinfected by Owner.

SECT. 2. When an animal affected with glanders has died, or has been killed by order of the commissioner or with the consent of the owner, the stable, shed or inclosure in which said animal has been kept shall be immediately disinfected by the owner thereof in accordance with the rules and regulations of this department.

No Horses, etc., Shall be Taken into or Removed from any Stable Supposed to be Infected.

SECT. 3. Except with the approval of the commissioner, no horses, mules or asses shall be taken into or removed from any stable or other inclosure in which animals suspected of being affected with glanders are held for observation, or into or from any stable or other inclosure the owner or occupant of which has been notified that, on account of the disease having existed therein recently, danger of infection still remains.

Horse Shoers.

SECT. 4. Horseshoers when directed by the commissioner shall use such means to keep their premises free from infection as the commissioner or his authorized agent may direct.

Barns, etc., Where Horses, etc. are Kept Shall be Maintained in Sanitary Condition to Satisfaction of State Director.

SECT. 5. Barns, stable, pastures, yards and all other places where horses, asses, or mules are kept shall at all times be maintained in such sanitary condition as the commissioner may deem necessary to prevent the spread of contagious diseases among such animals.

Watering Troughs.

SECT. 6. Mayors of cities and selectmen of towns shall upon notification by the Commissioner of Animal Industry cause the public watering troughs within their jurisdiction to be closed whenever and for as long a period as the commissioner may deem necessary for the control and eradication of contagious animal diseases.

For penalty for any violation of above order see G. L., ch. 129, s. 30; see (19) preceding.

(28)

Order No. 34, Issued April 13, 1918, Relative to Rabies.

Mayors, etc., of Certain Cities Shall Order all Dogs to be Muzzled, or Restrained from Running at Large, When Advised by State Director, and Upon Their Neglect so to do for Seven Days the State Director May Make such Order.

SECT. 1. In any city or town within the limits of this Commonwealth where, in the opinion of the Commissioner of Animal Industry, there is danger of an outbreak and spread of rabies, if the mayor and aldermen of a city or the selectmen of a town after being notified of such danger and advised by the Commissioner of Animal Industry to order all dogs in such city or town properly and securely muzzled or restrained from running at large, under the authority given them by section 158 of chapter 102 of the Revised Laws (G. L. 140, s. 167), refuse or neglect to do so for seven days after such notice, the commissioner may order all dogs in such city or town to be securely muzzled or to be restrained from running at large for a period of three months from the date of notice to the local authority. The commissioner may then extend this period if in his opinion conditions render the same necessary.

The Killing of Certain Dogs and Cats Authorized Upon Order of State Director.

SECT. 2. Dogs running at large unmuzzled contrary to the provisions of this order, and any dogs or cats known to have been bitten by a dog affected with rabies, may be killed on order of the commissioner.

Certain Dogs Shall be Quarantined for Observation.

SECT. 3. All dogs known to have bitten persons shall be quarantined for a period of 14 days for observation, at the end of which period if no symptoms of rabies have developed said animals may be released from quarantine on order of the commissioner.

Tampering With Notices Forbidden.

SECT. 4. All persons are forbidden to tamper with or disfigure any notice posted by order of the Commissioner of Animal Industry, subject to the penalty of the law.

For penalty for any violation of above order see G. L., 129, c. 30; see (19) preceding.

References.

The state division of dairying and animal husbandry shall report to the state director of animal industry any case brought to its attention where any barn, stable or other enclosure, where neat cattle, other ruminants or swine are kept, is found in an insanitary condition. G. L., 128, s. 13.

Importing into the United States any neat cattle, sheep or other ruminants or swine which is diseased or infected with any disease, prohibited. 26 Stat. L. 414, s. 6.

Transporting or delivering for transportation, or driving on foot, any livestock affected with any contagious disease, from one state to another prohibited. 23 Stat. L. 31, s. 6.

Tuberculin test required before shipment interstate of dairy or breeding cattle. Order No. 263, United States Department Agriculture (Bureau of Animal Industry).

CHAPTER 2.—ANIMALS INTENDED FOR SLAUGHTER,
INSPECTION OF.

Sect.

1. Business of slaughtering in Boston shall be conducted only upon certain premises.
2. In slaughter houses not under United States regulation, the carcasses of animals slaughtered under certain sections and not condemned shall be stamped, etc., by inspector at time of slaughter in same manner as under United States inspection by a stamp etc., designed and furnished on application by the State Department of public health. Packages containing meats so stamped shall have a certain tag attached thereto. Design of such stamps and tags shall be uniform throughout state but shall contain name of town where used.
3. Sale, etc., of certain carcasses not stamped as provided in above section, prohibited.
4. Penalty (1) for selling, etc., any carcass required by section 127 to be stamped in a certain manner and not so stamped; (2) for stamping without authority any carcass required by said section to be stamped; (3) for an inspector permitting the unauthorized use of his stamp; (4) for counterfeiting any stamp required by said section; or (5) for stamping any carcass with a counterfeit stamp.
5. Sale, etc., of any carcass of neat cattle, sheep or swine slaughtered outside the state, prohibited unless inspected by an official inspector and stamped in like manner as under United States inspection. "Official Inspector" defined. Exception in case of United States Bureau of Animal Industry.
6. Penalty for selling, etc., any carcass required by preceding section to be

Sect.

- stamped and which has not been so stamped.
7. Certain sections shall not apply to a person not engaged in business of slaughtering, who upon his own premises slaughters his own neat cattle, sheep or swine, but such carcass if intended for sale, shall be inspected and, unless condemned, stamped under section 127 by an inspector at time of slaughter.
8. Penalty for violation of certain sections.
9. Penalty (1) for slaughtering without a license by persons engaged in business; (2) for slaughtering by licensee without inspection under section 126; (3) for sale by licensee knowing carcasses have not been inspected under sections 126 and 133; and (4) for slaughtering or selling by a person, not engaged in business of slaughtering, on his own premises, without inspection, under section 133.
10. Penalty for slaughterer having in possession the dressed carcass of a bird or animal which has died a natural death.
11. Penalty for selling, etc., (1) the carcass, etc., of any animal dying other than by slaughter while in a healthy condition or which at time of its death was unfit for food by reason of disease, etc.; or (2) the carcass, etc., of any calf of less than a certain weight.
12. All slaughter houses shall be under state supervision.
13. Certain sections shall not affect section 147. Proviso.
14. State Department authorized to make certain regulations for the inspection of meat.
15. State regulations. Business of slaughtering and meat inspection.

I.

STATUTES.

(1)

Business of Slaughtering in Boston Shall be Conducted Only Upon Certain Premises.

Acts 1876, Ch. 144. SECT. 2. The business of slaughtering shall not be conducted within the limits of the city of Boston, except upon the premises of the Butchers' Slaughtering and Melting Association in said city.

For penalty for slaughtering in violation of above section, Query.

For penalty for sale of carcasses slaughtered on above premises but not stamped, Query.

For subject of the Butchers' Slaughtering and Melting Association, see chapter 5, following.

(2)

In Slaughter Houses not Under U. S. Regulation, the Carcasses of Animals Slaughtered Under Certain Sections and not Condemned, Shall be Stamped, etc., by Inspector at Time of Slaughter in Same Manner as Under U. S. Inspection by a Stamp, etc., Designed and Furnished on Application by the State Department of Public Health. Packages Containing Meats so Stamped Shall Have a Certain Tag Attached Thereto. Design of Such Stamps and Tags Shall be Uniform Throughout State, But Shall Contain Name of Town Where Used.

G. L., Ch. 94. SECT. 127. In a slaughtering establishment wherein inspection and branding are not carried on under the rules and regulations for the inspection of live stock and other products, established by the United States department of agriculture in accordance with acts of congress, the carcasses of animals slaughtered under sections one hundred and eighteen, one hundred and nineteen, one hundred and twenty-five and one hundred and twenty-six shall at the time of slaughter, if not condemned, be stamped or branded by the inspector thereof in like manner as those inspected by the United States bureau of animal industry for interstate commerce by a stamp or brand designed for the purpose by the department of public health, which shall be furnished by it to the board of health of a town applying therefor. Each package containing meats so stamped or branded by the inspector as aforesaid, before it has been shipped from the slaughtering establishment, shall have properly secured to it a tag bearing the words "Massachusetts, Inspected, Passed," which tag may be so attached by the licensee. Such stamps and tags shall be uniform in design throughout the commonwealth, but shall contain the name of the town where used.

1901, 391, ss. 1, 2.

R. L. 75, s. 103

1902, 312.

1903, 220, s. 1.

1909, 471.

1911, 297, s. 5.

1914, 206, 792, s. 1.

1919, 350, s. 96.

203 Mass. 602.

For prohibition of sale of carcasses not stamped and provided by above section see (3) following; and for penalty for sale of such carcasses see G. L., 94, s. 130 see (4) following.

(3)

Sale, etc., of Certain Carcasses not Stamped as Provided in Above Section, Prohibited.

G. L., Ch. 94. SECT. 129. Carcasses of animals slaughtered under sections one hundred and eighteen, one hundred and nineteen and one hundred and twenty-five to one hundred and twenty-seven, inclusive, and not stamped or branded as provided in section one hundred and twenty-seven, shall be deemed unfit for human food and shall not be sold or offered for sale.

1901, 391, s. 3.

R. L. 75, s. 104.

1902, 312, s. 1.

1903, 220, s. 1.

1909, 476.

For penalty see (4) following.

* These sections relate to the licensing of persons engaged in the slaughter of neat cattle, sheep or swine, the meat or product of which is to be sold or used for food; but these sections are not applicable to Boston where the licensing of such persons consists in the charter of the Butchers' Slaughtering and Melting Association. See chapter 5 following.

(4)

Penalty (1) for Selling, etc., Any Carcass Required by Section 127 to be Stamped in a Certain Manner and not so Stamped; (2) for Stamping Without Authority any Carcass Required by said Section to be Stamped; (3) for an Inspector Permitting the Unauthorized Use of His Stamp; (4) for Counterfeiting Any Stamp Required by Said Section; or (5) for Stamping Any Carcass with a Counterfeit Stamp.

G. L., Ch. 94. SECT. 130. Whoever sells, or offers for sale, or has in his possession with intent to sell, a carcass or any part thereof required by section one hundred and twenty-seven to be stamped or branded, and which has not been stamped or branded as therein provided, or whoever, not being a member of a local board of health or a duly appointed inspector, stamps or brands a carcass or any part thereof required by said section to be stamped or branded, or whoever being a member of a board of health or a duly appointed inspector permits or allows the use of his stamp or brand by one not a member of a board of health or a duly appointed inspector, or whoever counterfeits any stamp or brand required by section one hundred and twenty-seven, or whoever stamps or brands any carcass or any part thereof with any counterfeit stamp or brand, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than two months, or both.

1901, 391, s. 4.
R. L. 75, s. 104.

1902, 312, s. 1.
1903, 220, s. 1.

1909, 476.

(5)

Sale, etc., of any Carcass of Neat Cattle, Sheep or Swine Slaughtered Outside the State, Prohibited Unless Inspected by an Official Inspector and Stamped in Like Manner as Under U. S. Inspection. "Official Inspector" Defined. Stamp Shall Indicate Town Where Animal Slaughtered. Exception in Case of U. S. Bureau of Animal Industry.

G. L., Ch. 94. SECT. 131. Carcasses of neat cattle, sheep or swine slaughtered without the commonwealth shall be deemed unfit for human food and shall not be sold or offered for sale unless they have been inspected at the time of slaughter by an official inspector, and unless, if not condemned, they have been stamped or branded by said inspector in like manner as those inspected by the United States bureau of animal industry for interstate commerce. By "official inspector" is meant one appointed or approved either (a) by the bureau of animal industry of the United States department of agriculture; or (b) by the department of health or similar body of the state where the animals are slaughtered; or (c) by the local board of health of the town where the animals are slaughtered. The stamp used by inspectors other than those of the bureau of animal industry of the United States department of agriculture shall indicate in letters not less than one fourth of an inch high the name of the town where the animals are slaughtered.

1912, 248, s. 1
For penalty see (6) following.

214, Mass. 19.

(6)

Penalty for Selling, etc., Any Carcass Required by Preceding Section to be Stamped and Which has not Been so Stamped.

G. L., Ch. 94. SECT. 132. Whoever sells or offers for sale, or has in his possession with intent to sell, a carcass, or any part thereof, required by the preceding section to be stamped or branded and which has not been stamped or branded as therein provided, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than two months, or both.

1912, 248, s. 1.

(7)

Certain Sections Shall Not Apply to a Person, Not Engaged in Business of Slaughtering, Who Upon His Own Premises Slaughters His Own Neat Cattle, Sheep or Swine, but Such Carcasses, if Intended for Sale, Shall be Inspected and, Unless Condemned, Stamped Under Section 127 by an Inspector at Time of Slaughter.

G. L., Ch. 94. SECT. 133. Sections one hundred and eighteen, one hundred and nineteen, one hundred and twenty-five to one hundred and twenty-seven, inclusive, one hundred and twenty-nine and one hundred and thirty, shall not apply to a person not engaged in the slaughtering business, who, upon his own premises and not in a slaughter house, slaughters his own neat cattle, sheep or swine, but the carcass of any such animal, intended for sale, shall be inspected and, unless condemned, shall be stamped or branded under section one hundred and twenty-seven by an inspector at the time of slaughter.

1894, 491, s. 21.

1902, 312, s. 2.

1912, 248, s. 2.

1895, 496, s. 7.

1903, 220, s. 2.

1916, 139.

R. L. 75, s. 105.

1908, 329, s. 6.

For penalty for violation of above section see s. 134 see (8) following.

For penalty for slaughtering without such inspection and for selling knowing carcasses not so inspected, see G. L., 94, s. 135 (see (9) following).

(8)

Penalty for Violation of Certain Sections.

G. L., Ch. 94. SECT. 134. Whoever violates any provision of sections one hundred and nineteen, one hundred and twenty-five, one hundred and twenty-six and one hundred and thirty-three shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than two months, or both.

1894, 491, s. 2.

1895, 496, s. 8.

R. L. 75, s. 106.

(9)

Penalty (1) for Slaughtering Without a License by Persons Engaged in Business; (2) for Slaughtering by Licensee Without Inspection Under Section 126; (3) for Sale by Licensee Knowing Carcasses Have not Been Inspected Under Sections 126 and 133; and (4) for Slaughtering or Selling by a Person Not Engaged in Business of Slaughtering, on His Own Premises, Without Inspection Under Section 133.

G. L., Ch. 94. SECT. 135. Whoever, being engaged in the business of slaughtering neat cattle, sheep or swine, without a license slaughters the same or knowingly authorizes or causes the same to be slaughtered with intent to sell

the meat or product thereof for food, or, having such license, slaughters or knowingly authorizes or causes to be slaughtered any neat cattle, sheep or swine without causing the carcass thereof to be inspected as provided in section one hundred and twenty-six, or sells or authorizes or causes to be sold any carcass or the meat or product thereof knowing that such carcass has not been inspected according to sections one hundred and twenty-six and one hundred and thirty-three, or except as provided in section one hundred and thirty-three, slaughters or knowingly authorizes or causes to be slaughtered any neat cattle, sheep or swine upon his own premises, being other than a slaughterhouse or establishment mentioned in section one hundred and eighteen, without causing the carcass of such animal to be inspected, or sells or authorizes or causes to be sold the carcass or any meat or product thereof of any such animal slaughtered upon his own premises, knowing that the same has not been inspected as provided in section one hundred and thirty-three, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than two months, or both.

1894, 491, s. 22.

1895, 496, s. 8.

R. L. 75, s. 106.

(10)

Penalty for Slaughterer Having in Possession the Dressed Carcass of a Bird or Animal Which Has Died a Natural Death.

G. L., Ch. 94. SECT. 136. Whoever, being authorized or licensed to slaughter in a town, has in possession either himself or by his agent the dressed or plucked carcass, or any part thereof, of a bird or animal which has died a natural death shall be punished by a fine of not more than one hundred dollars.

1912, 467.

(11)

Penalty for Selling, etc. (1) The Carcass, etc., of Any Animal Dying Other Than by Slaughter While in a Healthy Condition or Which at Time of Its Death Was Unfit for Food by reason of Disease, etc.; or (2) the Carcass, etc., of Any Calf of Less Than a Certain Weight.

G. L., Ch. 94. SECT. 138. Whoever sells, offers or exposes for sale or delivers or causes or authorizes to be sold, offered or exposed for sale or delivered for use as food the carcass, or any part or product thereof, of any animal which has come to its death in any manner or by any means other than by slaughter or killing while in a healthy condition, or which at the time of its death was unfit for use as food, by reason of disease, exhaustion, abuse, neglect or otherwise, or the carcass, or any part or product thereof, of any calf weighing less than forty pounds when dressed, with head, feet, hide and entrails removed shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months.

1908, 328, s. 1.

(12)

All Slaughter Houses Shall be Under State Supervision.

G. L., Ch. 94. SECT. 124. All slaughter houses shall be under the supervision of the department of public health and subject to inspection by district health officers, in their respective districts.

1908, 329, s. 5.

1914, 792, ss. 1, 5.

1919, 350, s. 96.

(13)

Certain Sections Shall Not Affect Section 147. Proviso.

G. L., Ch. 94. SECT. 139. Sections one hundred and twenty-one to one hundred and twenty-four, inclusive, one hundred and thirty-three and one hundred and thirty-eight shall not affect section one hundred and forty-seven provided, that said first mentioned sections shall not permit the sale, offering for sale, or keeping with intent to sell, for food, of meat * infected in any degree with tuberculosis or other disease.

1909, 474.

(14)

State Department Authorized to Make Certain Regulations for the Inspection of Meat.

G. L., Ch. 94. SECT. 147. The department of public health may make regulations for the inspection of meat, which shall conform to the regulations of the United States bureau of animal industry for the inspection of meat for export and for interstate commerce.

1898, 451, s. 2.

R. L. 90, s. 7.

1914, 792, s. 1.

1899, 408, s. 9.

1911, 297, s. 1.

1919, 350, s. 96.

II.

STATE REGULATIONS.

(15)

Business of Slaughtering and Meat Inspection.

Reg. May 15, 1918, made in accordance with the provisions of G. L., Ch. 94. 147. [See (6) of chapter 5 following.]

* Considered to include meat derived from carcasses of cattle which are infected to any degree with such diseases. 3 Op. A. G. 208.

CHAPTER 3.—BAKERIES, THE CONSTRUCTION AND MAINTENANCE OF.

Sect.

1. Bake rooms shall, if required by local boards of health, have a certain kind of flooring. Walls and ceiling to be plastered, etc. and whitewashed quarterly if required by board. Arrangement of furniture and utensils to allow proper cleanliness of same and of floor.
2. Sleeping rooms for employees shall be separate from bake or storage rooms.
3. Such owners of bake rooms as are required by boards of health to make alterations shall comply within a certain time. Notice of same. How served.
4. Boards of health authorized to make certain regulations concerning bakeries and shall cause same together with certain statutes to be posted in all bakeries.
5. Penalty for violating certain statutes or for refusing to comply with any requirement of the board of health authorized therein or in section 37.
6. State Department of Public Health authorized to make regulations to carry out certain sections. Said regulations and sections shall be enforced by state department and by local boards of health under state supervision. Proviso in case of certain sections. Word "bakery" defined. Retail stores where bakery products sold but not produced exempt from certain sections.
7. Bakeries shall be constructed and maintained in a sanitary condition. Shall be screened against flies, etc. Shall have plumbing facilities which shall be kept in sanitary condition. Toilets shall be in rooms having no direct connection with any room where bakery products are prepared.
8. Separate and clean rooms shall be provided for the changing and hanging of wearing apparel of employees.
9. Sitting, etc., upon any tables, etc., used in connection with bakery production forbidden. Animals not allowed in buildings used for such production, etc.
10. Employees before beginning work shall wash hands and arms, etc., and owners shall provide sufficient facilities therefor.
11. Owners of bakeries shall not permit any person affected with any contagious disease to work therein, nor any person who refuses to submit to examination.

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12. State commissioner or local health commissioners authorized to require bakery employees to submit to examination for contagious disease without charge. Examination, by whom made.
13. When bakeries conducted in violation of certain sections, a written notice shall be sent to owner, etc., stating delinquency and fixing time for remedying same.
14. State department and local boards of health authorized to order unfit bakeries closed. Hearing and right of appeal within certain time to superior court.
15. No new bakeries shall be established unless plans and equipment approved by local board of health. Board shall refuse permit if building and equipment do not comply with certain sections and regulations. Right of appeal to state department and to superior court.
16. Penalty for violation of certain sections or of any regulation adopted thereunder.
17. Rules and regulations relative to bakeries adopted May 10, 1921, by the State Department of Public Health under the provisions of G. L., ch. 111, s. 39.
 1. Boards of health shall inspect bakeries engaged in manufacturing bakery products. Record. Report.
 2. Construction, etc., to conform to local laws.
 3. Floors, sewer connection. Walls and ceilings.
 4. Shelves, racks, etc., used for storage of bakery products. Tables, mixing stands, etc., used in preparation of bakery products.
 5. Storing flour or material contained in sacks, regulated.
 6. Rooms used for domestic purposes not to be connected with bakery.
 7. Proprietors shall report employees suspected of having contagious disease. Local boards of health shall cause examination authorized by section 45.
 8. Boards of health shall cause examination authorized by section 45 to be made whenever persons working in a bakery suspected of contagious disease.

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17. 9. Boards of health shall notify state department of certain diseases suspected of existing in any bakery selling bakery product within their jurisdiction but not located therein.
10. Use of tobacco forbidden where bakery products are prepared.
11. Owners to provide suitable receptacles for garbage, etc.
12. For reg. 12 see 8 of chapter 4 following relative to return of bakery products.
13. Form of notice required when bakeries conducted contrary to certain laws.
14. Form of notice required when ordering bakery closed.
15. New registration required when change of ownership.

Sect.

17. 16. New bakeries not to be in basements unless permitted by local board of health. Board not to give permit in certain cases without consent of state department.
17. New bakeries shall not be opened until certain registration with board of health.
18. Local boards of health shall notify state department of each application for new bakery and of their action thereon. Copies and plans to be open to state officers.
19. Inspectors shall carry credentials. Authority of agents of the state department and of local boards of health to inspect bakeries.
20. Terms defined.

I.

STATUTES.

(1)

Bake Rooms Shall, if Required by Local Boards of Health, Have a Certain Kind of Flooring. Walls and Ceilings to be Plastered etc., and Whitewashed Quarterly if Required by Board. Arrangement of Furniture and Utensils to Allow Proper Cleanliness of Same and of Floor.

G. L., Ch. 111. SECT. 34. Every room used for the manufacture of flour or meal food products shall, if required by the board of health, have an impermeable floor constructed of cement or tiles laid in cement, and an additional floor of wood properly saturated with linseed oil. The walls and ceiling of such room shall be plastered or wainscoted, and, if required by the board of health, shall be whitewashed at least once in three months. The furniture and utensils therein shall be so arranged that they and the floor may at all times be kept clean and in good sanitary condition.

1896, 418, s. 2. R. L., 75, s. 29. For penalty see Gen. L. c. 111, s. 38 [see (5) following, see also (3) following].

(2)

Sleeping Rooms for Employees Shall be Separate from Bake or Storage Rooms.

G. L., Ch. 111. SECT. 35. The sleeping places for persons employed in a bakery shall be separate from the rooms where flour or meal food products are manufactured or stored.

1896, 418, s. 5.

R. L., 75, s. 30.

For penalty see Gen. L., ch. 111, s. 38 [see (5) following].

(3)

Such Owners of Bake Rooms as are Required by Boards of Health to Make Alterations Shall Comply Within a Certain Time. Notice of Same, How Served.

G. L., Ch. 111. SECT. 36. The owner, agent or lessee of any property affected by section thirty-four shall, within sixty days, after service of written

notice requiring any alterations to be made in such property, comply therewith. Such notice may be served upon such owner, agent or lessee personally or by mail directed to his last known address.

1896, 418, s. 7.

R. L. 75, s. 32.

For penalty see G. Laws, c. 111, s. 38 [see (5) following].

(4)

Boards of Health Authorized to Make Certain Regulations Concerning Bakeries and Shall Cause Same Together with Certain Statutes to be Posted in all Bakeries.

G. L., Ch. 111. SECT. 37. Except as provided in section thirty-nine, boards of health may make such further regulations as the public health may require, and shall cause such regulations, together with sections thirty-four to thirty-eight, inclusive, to be printed and posted in all such bakeries and places of business.

1896, 418, s. 8.

R. L., 75, s. 34.

1902. 403.

(5)

Penalty for Violating Certain Statutes or for Refusing to Comply With Any Requirement of the Board of Health Authorized Therein or in Section 37.

G. L., Ch. 111. SECT. 38. Whoever violates any provision of sections thirty-four to thirty-six, inclusive, or refuses to comply with any requirement of the board of health authorized therein or in the preceding section shall be punished for a first offence by a fine of not less than twenty nor more than fifty dollars; for the second offence by a fine of not less than fifty nor more than one hundred dollars or by imprisonment for not more than ten days; and for any subsequent offence by a fine of not less than two hundred and fifty dollars or by imprisonment for not more than one month, or both.

1896, 418, s. 6.

R. L., 75, s. 33.

(6)

State Department of Public Health Authorized to make Regulations to Carry Out Certain Sections. Said Regulations and Sections Shall be Enforced by State Department and by Local Boards of Health Under State Supervision. Proviso in Case of Certain Sections. Word "Bakery" Defined. Retail Stores Where Bakery Products Sold but not Produced Exempt from Certain Sections.

G. L., Ch. 111. SECT. 39. (As amended by Ch. 315, Acts 1921.) The (state) department, (of public health) may make rules and regulations to carry out sections 40 to 49, inclusive. Said sections and the rules and regulations shall be enforced by the (state) department and by the local boards of health acting under the supervision of the (state) department; provided that the provisions of sections 40 and 41 relating to the health of employees shall be enforced by the department of labor and industries in accordance with such rules and regulations as it may prescribe. The word "bakery," as used in sections 40 to 48, inclusive, shall mean a building or part thereof wherein is carried on the production, preparation, packing, storing, display or sale of bakery products, including any separate room used for the convenience or accommodation of the workers, except

that sections 40, 41, 43, 44, 45 and 48 shall not apply to retail stores where bakery products are sold but not produced.

1920, 418, ss. 1, 2.

Op. A. G. (1919) 27.

(7)

Bakeries Shall be Constructed and Maintained in a Sanitary Condition. Shall be Screened Against Flies etc. Shall Have Plumbing Facilities Which Shall be Kept in Sanitary Condition. Toilets Shall be in Rooms Having no Direct Connection with any Room where Bakery Products Prepared.

G. L., Ch. 111. SECT. 40. Every bakery shall be constructed, drained, lighted,* ventilated,* and maintained in a clean and sanitary condition, and, when and where necessary screened against flies, shall have plumbing and drainage facilities, together with suitable wash basins, wash sinks and toilets or water closets, which shall be kept in a clean and sanitary condition. The said toilet. or water-closets shall be in rooms having no direct connection with any room in which bakery products or ingredients are prepared, stored, handled or displayed.

1896, 418, ss. 1, 4.

R. L. 75, s. 28.

1920, 418, s. 3.

NOTE.—The provisions of the above section do not apply to retail stores where bakery products are sold but not produced.

For penalty see G. L., c. 111, s. 49 see (16) following].

(8)

Separate and Clean Rooms Shall be Provided for the Changing and Hanging of Wearing Apparel of Employees.

G. L., Ch. 111. SECT. 41. In connection with every bakery suitable room shall be provided for the changing and hanging of the wearing apparel † of the workers or employees, which shall be separate and apart from the work, storage and sales rooms, and shall be kept in a clean and sanitary condition.

1920, 418, s. 4.

For penalty see G. L., c. 111, s. 49 [see (16) following].

NOTE.—The provisions of the above section do not apply to retail stores where bakery products are sold but not produced.

(9)

Sitting etc. Upon any Tables etc. Used in Connection with Bakery Production Forbidden. Animals not Allowed in Buildings used for Such Production etc.

G. L., ch. 111. SECT. 42. No person shall sit, lie or lounge or be permitted to sit, lie or lounge upon any of the tables, shelves, boxes or other equipment or accessories used in connection with the production, preparation, packing, storing, display or sale of bakery products. No animals or fowls shall be kept in or permitted to enter any building or part thereof used for such production, preparation, packing, storing, display or sale.

1920, 418, ss. 15.

For penalty see G. L. 111, s. 49 [see (16) following].

(10)

Employees Before Beginning Work Shall Wash Hands and Arms etc. and Owners Shall Provide Sufficient Facilities Therefor.

G. L., Ch. 111. SECT. 43. Before beginning the work of preparing, mixing or handling any ingredients used in the production of bakery products, every per-

* Enforceable by State Department of Labor and Industries [see (16) preceding].

† Enforceable by the State Department of Labor and Industries [see (6) preceding].

son engaged in such work shall wash the hands and arms, and after using toilets or water-closets, every person therein engaged shall wash the hands and arms thoroughly and then rinse in clean water; and for this purpose the owner or operator of the bakery shall provide sufficient facilities.

1920, 418, s. 6.

For penalty see G. L. 111, s. 49 [sec (16) following].

NOTE.—The provisions of the above section do not apply to retail stores where bakery products are sold but not produced.

(11)

Owners of Bakeries Shall Not Permit Any Person Affected With Any Contagious Disease to Work Therein, Nor Any Person Who Refuses to Submit to Examination.

G. L., Ch. 111. SECT. 44. No owner or operator of a bakery shall require or permit any person affected with any contagious, infectious or other disease or physical ailment which may render such employment detrimental to the public health, nor any person who refuses to submit to the examination required by the following section, to work therein.

1920, 418, s. 7.

For penalty see G. L. 111, s. 49 [see (16) following].

NOTE.—Above section does not apply to retail stores where bakery products are sold but not produced.

(12)

State Commissioner or Local Health Commissioners Authorized to Require Bakery Employees to Submit To Examination for Contagious Disease Without Charge. Examination, By Whom Made.

G. L., Ch. 111. SECT. 45. The (state) commissioner of public health or the commissioner of health or chief health officer in the several towns may require any person intending to work, or working, in a bakery, to submit to thorough examination to ascertain whether he is afflicted with any contagious, infectious or other disease or physical ailment. All such examinations shall be made without charge to the person examined and at the expense of the department or local board making them. Any person so examined may have his physician present at the examination, which may be made by any competent physician duly registered and licensed in the commonwealth.

1920, 418, s. 8.

NOTE.—Above section does not apply to retail stores where bakery products are sold but not produced [see (6) preceding].

(13)

When Bakeries Conducted in Violation of Certain Sections, a Written Notice Shall Be Sent to Owner, etc., Stating Delinquency and Fixing Time for Remedying Same.

G. L., Ch. 111. SECT. 46. If, after inspection, it is found that a bakery is not constructed, maintained, operated or the distribution of its products not conducted in accordance with sections 39 to 45, inclusive, and sections 2 to 6, inclusive of chapter 94, written notice * shall be given to the owner or manager, stating the delinquency, and fixing a reasonable time within which the same shall be remedied and for hearing any party in interest.

1920, 418, s. 18.

* For form of notice see (17) following, reg. 13, State Department of Public Health.

(14)

State Department and Local Boards of Health Authorized to Order Unfit Bakeries Closed. Hearing and Right of Appeal Within Certain Time to Superior Court.

G. L., Ch. 111. SECT. 47. If a bakery is unfit for the production or handling of food or dangerous to the health of its employees, the (state) department or local board may order it closed;* provided, that any person aggrieved may be heard before said department or board and may also appeal before or after the execution of the order, but within thirty days after its issue, to the superior court.

1920, 418, s. 19.

(15)

No New Bakeries Shall be Established Unless Plans and Equipment Approved by Local Board of Health. Board Shall Refuse Permit if Building and Equipment Do Not Comply With Certain Sections and Regulations. Right of Appeal to State Department and to Superior Court.

G. L., Ch. 111. SECT. 48. No new bakeries † shall be established unless the building plans and equipment proposed to be used have been approved by the local board of health. The board shall refuse a permit for such bakery if the building and equipment do not comply with sections 39 to 45, inclusive, and sections 2 to 6, inclusive, of chapter 94 and rules and regulation made thereunder, provided that any party in interest may appeal to the (state) department (of public health) or to the superior court. Said department or court may affirm, reject or modify the findings of the board, and said board shall thereupon proceed in accordance with the order of the court or department.

1920, 418, s. 21.

For penalty see G. L. 111, s. 49 [see (16) following].

NOTE.—Above section does not apply to retail stores where bakery products sold but not produced [see (6) preceding].

(16)

Penalty for Violation of Certain Sections or of Any Regulation Adopted Thereunder.

G. L., Ch. 111. SECT. 49. Violation of any provision of sections 39 to 48, inclusive, or any rule or regulation adopted thereunder shall be punished by a fine of not more than \$100.

1920, 418, s. 22.

II.

STATE REGULATIONS.

(17)

Rules and Regulations Relative to Bakeries Adopted May 10, 1921, by the State Department of Public Health Under the Provisions of General Laws, Chapter 111, Section 39.*Boards of Health Shall Inspect Bakeries Engaged in Manufacturing Bakery Products. Record. Report.*

Reg. 1. The boards of health of all cities and towns, themselves or by their officers or agents, shall inspect no less than twice a year each bakery en-

* For form of notice ordering a bakery to be closed see (17) following, reg. 14, State Department of Public Health.

† For requirement that no new bakery shall be opened until it has been registered with the local Board of Health see (17) following, Reg. No. 17, State Department of Public Health.

gaged in the manufacture of bakery products under their jurisdiction, and shall make a record of each such inspection upon a form devised by the (state) department of public health. The said boards shall furnish to the department of public health on or before the fifteenth day of each calendar month, on a form furnished by said department a report of all inspections of bakeries made during the calendar month next preceding and of the results of such inspections. Boards of health shall upon request receive assistance from the department of public health for the enforcement of any provisions of this act.

Construction, etc., to Conform to Local Laws.

Reg. 2. The construction, drainage and plumbing in manufacturing bakeries shall be in accordance with such local regulations as may be adopted.

Floors, Sewer Connection, Walls and Ceilings.

Reg. 3. The floors of all manufacturing bakeries shall be constructed of a smooth, impervious substance, easily cleaned and, if connected with a sewer or cesspool, shall be so done to the satisfaction of the board of health. Walls and ceilings of all manufacturing bakeries shall be smooth, tight, and free from cracks and crevices; and walls and ceilings shall not be covered with paper nor with any substance which requires paste or glue, or which cannot be thoroughly cleaned.

For penalty see G. L., c. 111, s. 49 [see (16) preceding].

NOTE.—Above regulation does not apply to retail stores where bakery products sold but not produced [see (6) preceding].

Shelves, Racks, etc., Used for Storage of Bakery Products. Tables, Mixing Stands, etc., Used in Preparation of Bakery Products.

Reg. 4. All shelves, racks, bins or other facilities used for the storage of bakery products and ingredients used therein shall be so constructed that they may be easily cleaned. The tables, mixing stands and troughs used in the preparation of bakery products shall be constructed of smooth, impervious material, and so constructed that they can be easily and thoroughly cleaned.

For penalty see G. L., ch. 111, s. 49 [see (16) preceding].

NOTE.—Above regulation does not apply to retail stores where bakery products sold but not produced [see (6) preceding].

Storing Flour or Material Contained in Sacks, Regulated.

Reg. 5. No flour or material contained in sacks used in the manufacture of bakery products shall be placed upon any floor unless such flour or material is stored on portable wood or metal platforms or racks raising such flour or material at least eight inches above such floor, and such platforms or racks shall be kept in a clean and sanitary condition.

For penalty see G. L., c. 111, s. 49 [see (16) preceding].

NOTE.—Above regulation does not apply to retail stores where bakery products sold but not produced [see (6) preceding].

Rooms Used for Domestic Purposes not to be Connected with Bakery.

Reg. 6. No room used for domestic purposes shall have direct connection with a bakery.

For penalty see G. L., c. 111, s. 49 [see (16) preceding].

NOTE.—Above regulation does not apply to retail stores where bakery products sold but not produced [see (6) preceding, also (7)].

Proprietors Shall Report Employees Suspected of Having Contagious Disease, and Local Boards of Health Shall Cause Examination Authorized by Section 45.

Reg. 7. The proprietor of every bakery shall report to the local board of health any suspicions he may have of the presence of any contagious diseases

or ailment dangerous to the public health among the persons working in or connected with his bakery, or any suspicions he may have of the exposure of any of said persons to said diseases. The local board of health shall immediately, upon receipt of said report, cause an examination to be made under the provisions of section 45, of chapter 111 of the General Laws.

NOTE.—Above regulation does not apply to retail stores where bakery products sold but not produced [see (6) preceding, also (12)].

Boards of Health Shall Cause Examination Authorized by Section 45 to be Made Whenever Persons working in a Bakery Suspected of Contagious Disease.

Reg. 8. Whenever the board of health of a city or town suspects or has received information that any persons working in or connected with the bakery have been exposed to a disease or ailment referred to in section 45 of chapter 111 of the General Laws, said board shall immediately cause an examination to be made as provided in said section.

NOTE.—Above regulation does not apply to retail stores where bakery products are sold but not produced [see (6) preceding, also (12)].

Boards of Health Shall Notify State Department of Certain Diseases Suspected of Existing in any Bakery Selling Bakery Products Within their Jurisdiction but not Located Therein.

Reg. 9. The board of health of a city or town having reason to suspect the presence of any disease specified in section 45 of chapter 111 of the General Laws, in a bakery selling bakery products within the jurisdiction of said board of health, but not located within said jurisdiction, shall immediately notify the (state) department of public health thereof giving all available information, and the department of public health shall immediately make such examinations as it may deem necessary.

Use of Tobacco Forbidden Where Bakery Products Prepared.

Reg. 10. Smoking or chewing, or other use of tobacco, is prohibited in any part of a bakery where the actual preparation or production of bakery products is being carried on.

For penalty see G. L., c. 111, s. 49 [see (16) preceding].

Owners to Provide Suitable Receptacles for Garbage, Etc.

Reg. 11. Every owner or proprietor of a bakery shall provide a suitable properly covered, metal, water-tight receptacle for garbage and other waste material of the business. Every such receptacle shall be emptied frequently and shall be cleaned after such emptying.

For penalty see G. L., c. 111, s. 49 [see (16) preceding].

NOTE.—Above regulation does not apply to retail stores where bakery products sold but not produced. See (6) preceding.

(For regulation No. 12 see (8) of chapter 3 following.

Form of Notice Required When Bakeries Conducted Contrary to Certain Laws.

Reg. 13. The following form of notice shall be used under the provisions of section 46 of chapter 111 of the General Laws:

DEAR SIR,—In accordance with the provisions of section 46 of chapter 111 of the General Laws, your attention is called to the following violations:

Form of Notice Required When Ordering Bakery Closed.

Reg. 14. The form of notice sent under the provisions of section 47 of chapter 111 of the General Laws, ordering a bakery closed, shall be as follows:

DEAR SIR,—Your bakery is hereby ordered closed in accordance with the provisions of section 47 of chapter 111 of the General Laws, as follows:

SECT. 47.—If a bakery is unfit for the production or handling of food, or dangerous to the health of its employees, the department or local board may order it closed; provided, that any person aggrieved may be heard before said department or board and may also appeal before or after the execution of the order, but within thirty days after its issue, to the Superior Court.

New Registration Required When Change of Ownership.

Reg. 15. If a bakery now existent shall change ownership, a new registration shall be made before work begins under the new management.

For penalty see G. Laws, c. 111, s. 49 [see (16) preceding].

Above regulation does not apply to retail stores where bakery products sold but not produced.

New Bakeries not to be in Basements Unless Permitted by Local Board of Health. Board not to Give Permit in Certain Cases Without Consent of State Department.

Reg. 16. No new bakery shall be established in a basement except with the consent of the local board of health. If the products of said bakery, however, are to be sold in other cities or towns than that where the bakery is located, said board of health shall obtain the consent of the (state) department of public health before granting permission to open said bakery.

For penalty see G. Laws, c. 111, s. 49 [see (16) preceding].

NOTE.—The above regulation does not apply to retail stores where bakery products sold but not produced.

New Bakeries Shall not be Opened Until Certain Registration With Board of Health.

Reg. 17. No new bakery shall be opened until it has been registered * with the board of health upon a form provided by the (state) department of public health.

For penalty see G. Laws, c. 111, s. 49 [see (16) preceding].

NOTE.—Above regulation does not apply to retail stores where bakery products sold but not produced.

Local Boards of Health Shall Notify State Department of Each Application for New Bakery and of Their Action Thereon. Copies and Plans to be Open to State Officers.

Reg. 18. Boards of health of cities and towns shall notify the (state) department of public health of each application received for the operation of a new bakery as soon as such application is received. Copies of applications and plans submitted to local board of health shall be open to the inspection of all officers or agents of the (state) department of public health. Each board of health shall immediately notify the department of public health of its action upon each application.

Inspectors Shall Carry Credentials. Authority of Agents of the State Department and of Local Boards of Health to Inspect Bakeries.

Reg. 19. All inspectors shall carry proper credentials, which shall be presented upon request before beginning an inspection of a bakery. All inspectors, officers and agents of the (state) department of public health and of local, boards of health have authority under the statutes to inspect bakeries at all reasonable hours.

Terms Defined.

Reg. 20. The terms "board of health" or "local board of health" used in these regulations shall mean the board of health or department of health of a city or town.

* For the beginning of practice of requiring registration, see Acts 1920, c. 418, s. 20, and Acts 1921, c. 315, s. 2.

CHAPTER 4.—BAKERY PRODUCTS, THE MANUFACTURE AND SALE OF.

Sect.

1. Bakery defined.
2. The floors, etc. of all bakeries, the equipment used in handling and preparation of bakery products, and the wagons, etc., used for their transportation shall be kept clean and free from contaminating matter. All show cases, etc., where bakery products sold shall be kept covered, etc., and protected from dust, etc. Shipping baskets, etc., shall be kept clean and not used for other products.
3. Manner of storing bakery products shall be such as to protect them from spoilage, etc. Boxes and other permanent receptacles shall be so placed and constructed as to prevent contamination and shall be kept clean. No other articles shall be placed therein. No person shall tamper with boxes, etc., nor shall any unauthorized person remove anything therefrom, etc.
4. Use of contaminated ingredients prohibited. Likewise the use of ingredients likely to deceive consumers or to lessen nutritive value unless so labelled, etc. Provision in case of unwrapped bread. Ingredients and sale of bakery products shall comply with certain sections relative to the adulteration and misbranding of food.
5. Return or exchange of bakery products prohibited except as provided in section

Sect.

- 6 following. All bakery products shall be kept moving to the consumer without delay, dissemination of disease or waste. Partial exemption as to crackers, etc., remaining in the original unbroken package.
6. State department of public health authorized to establish, by rule, such exemptions as may be needed to facilitate the sale of bakery products. Certain standards, etc., shall conform to regulations adopted by the state department. Sections 2 to 6, inclusive, and the state regulations shall be enforced by the state department and by local boards of health under the supervision of the state department.
7. Penalty for violation of certain sections or of any regulation adopted thereunder.
8. Regulation 12. State department of public health.—Boards of health may grant permission in certain cases for persons to return bakery products. Board shall notify state department of its action and when state department grants similar permits, it shall notify local board. Permission, how arranged for.
9. Conveying bakers products, etc., or keeping same in windows, etc., in Boston, forbidden unless properly covered and protected from dust, etc.

I.

STATUTES.

(1)

“Bakery” Defined.

G. L., Ch. 94. SECT. 1. The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings:

“Bakery,” in sections two to eight, inclusive, a building or part of a building wherein is carried on the production, preparation, packing, storing, display or sale of bread, cake, pies or other bakery products, including any separate room used for the convenience or accommodation of workers.

(2)

The Floors, etc., of all Bakeries, the Equipment Used in Handling and Preparation of Bakery Products, and the Wagons, etc., Used for their Transportation Shall be Kept Clean and Free from Contaminating Matter. All Show Cases, etc., where Bakery Products Sold Shall be Kept Covered, etc., and Protected from Dust, etc. Shipping Baskets, etc., Shall be Kept Clean and not Used for Other Products.

G. L., Ch. 94. **SECT. 2.** The floors, walls and ceilings of each bakery, the equipment used in the handling or preparation of bakery products or the ingredients thereof, and the wagons, boxes, baskets and other receptacles in which such products are transported, shall at all times be kept by the owner or operator of the bakery or by the distributor of such products in a clean and sanitary condition and free from dirt and dust, flies, insects and other contaminating matter. All show cases, shelves and other places where bakery products are sold shall at all times be kept by the dealer well covered, properly ventilated, adequately protected from dirt and dust, flies, insects and other contaminating matter, and in a sweet, clean and sanitary condition. Shipping baskets and other containers for transporting bakery products shall be kept clean and, whenever the property of a distributor or dealer, shall not be used for the shipment of other products to any person or concern.

1920, 418, ss. 9, 10.

For penalty see Gen. Laws, ch. 94, s. 10 [see (7) following].

(3)

Manner of Storing Bakery Products Shall be Such as to Protect Them from Spoilage, etc. Boxes and Other Permanent Receptacles Shall be so Placed and Constructed as to Prevent Contamination and Shall be Kept Clean. No Other Articles Shall be Placed Therein. No Person Shall Tamper With Boxes, etc., nor Shall any Unauthorized Person Remove Anything Therefrom, etc.

G. L., Ch. 94. **SECT. 3.** All bakery products and ingredients thereof shall be stored, handled, transported and kept so as to protect them from spoilage, contamination, disease and unwholesomeness. Boxes and other permanent receptacles or containers for the storing, receiving or handling of bakery products shall be so placed and constructed as to be beyond the reach of contamination from streets, alleys and sidewalks and from animals, and shall be kept clean and sanitary by the dealer. No other articles shall be placed therein in addition to said products. No person shall tamper with, injure or contaminate said boxes, receptacles or containers, nor shall any person other than the bakery or dealer or his employees remove anything therefrom or place anything therein.

1920, 418, ss. 11, 12.

(4)

Use of Contaminated Ingredients Prohibited. Likewise the Use of Ingredients Likely to Deceive Consumers or to Lessen Nutritive Value Unless so Labeled, etc. Provision in Case of Unwrapped Bread. Ingredients and Sale of Bakery Products Shall Comply with Certain Sections Relative to the Adulteration and Misbranding of Food.

G. L., Ch. 94. **SECT. 4.** There shall not be used in bakery products or in the ingredients thereof any ingredient or material, including water, which is

spoiled or contaminated or which may render the product unwholesome, unfit for food or injurious to health, nor shall there be used in any bakery product any ingredient likely to deceive the consumer or which lessens the nutritive value of such product unless the product is plainly so labeled, branded or tagged, or has thereon a sign making plain to the purchaser or consumer the actual ingredients thereof: provided, that in the case of unwrapped bread to be sold by the loaf such labeling, branding or tagging shall be placed upon the label required under section eight, showing the name of the manufacturer and the net weight of the loaf. Said ingredients and the sale and offering for sale of said products shall otherwise comply with sections one hundred and eighty-six to one hundred and ninety-five, inclusive.

1915, 258, s. 1.

1920, 418, ss. 12, 13, 23.

For penalty see G. Laws, ch. 94, s. 10 [see (7) following].

(5)

Return or Exchange of Bakery Products Prohibited* Except as Provided in Section 6 Following. All Bakery Products Shall be Kept Moving to the Consumer without Delay, Dissemination of Disease or Waste. Partial Exemptions as to Crackers, etc., Remaining in the Original Unbroken Package.

G. L., Ch. 94. SECT. 5. Except as provided in section six, no bakery products shall be returned from any consumer or other purchaser to the dealer or bakery, nor from any dealer to the baker, nor shall any dealer or baker directly or indirectly accept any returns from or make any exchange of bakery products with any person. All such products shall be kept moving to the consumer without unreasonable delay and without any practice whatsoever which may disseminate contagion or disease among or inflict fraud upon consumers, or disseminate "rope," so called, or other infection in bakeries, or cause waste in the food supply; provided, that this section, except in so far as may be necessary to prevent such waste, shall not apply to crackers or other bakery products which are packed at the place of production in cartons, cans, boxes or similar permanent containers, except paper or parchment wrappers used in wrapping loaves of bread, and which are so packed and sealed at such place as fully to insure the freshness and wholesomeness of such products and to protect them from contamination, adulteration and deterioration in the course of trade, and which remain in the original unbroken package as packed.

1920, 418, s. 14.

For penalty see Gen. Laws, ch. 94, s. 10 [see (7) following].

(6)

State Department of Public Health Authorized to Establish, by Rule, such Exemptions as may be Needed to Facilitate the Sale of Bakery Products. Certain Standards, etc., shall Conform to Regulations Adopted by the State Department. Sections 2 to 6, Inclusive, and the State Regulations Shall be Enforced by the State Department and by Local Boards of Health Under the Supervision of the State Department.

G. L., Ch. 94. SECT. 6. The state department of public health may, by rule, establish such exemptions as may be necessary to facilitate the sale of any accumulated or unsold stocks of wholesome bakery products, and in other cases

* For permission to return bakery products in certain cases [see (8) following].

consistent with sections two to six, inclusive, and section forty-two of chapter one hundred and eleven. The standards and requirements prescribed by sections two to six, inclusive, shall conform to rules and regulations adopted by the department of public health, and said sections and rules and regulations shall be enforced by said department and by local boards of health acting under the supervision of said department.

1920, 418, ss. 2, 15.

(7)

Penalty for Violation of Certain Sections or of any Regulation Adopted Thereunder.

G. L., Ch. 94. SECT. 10. (As amended by Ch. 186, Sect. 4, Acts of 1922.) Whoever violates any provision of sections two to nine, inclusive, or of any rule or regulation adopted thereunder, or whoever fails or refuses to comply with any request for information made under authority of said sections, shall be punished by a fine of not more than one hundred dollars.

1800, 76, s. 2.

P. S. 60, s. 6.

1915, 258, s. 2.

1859, 174, s. 5.

R. L. 57, s. 6.

1920, 418, ss. 22, 23.

G. S. 49, s. 8.

1908, 197.

1922, 186, s. 4.

1870, 395.

1914, 653, s. 6.

II.

STATE REGULATIONS.

(8)

Rules and Regulations Relative to Bakeries Adopted May 10, 1921, by State Department of Public Health, under Provisions of Gen. Laws Ch. 111, Section 39.

Boards of Health May Grant Permission in Certain Cases for Persons to Return Bakery Products. Board to Notify State Department of its Action, and When State Grants Similar Permits, it Shall Notify Local Board. Permission How Arranged for.

Reg. 12. Whenever an extraordinary condition arises such as will require the return of bakery products, the person desirous of returning said products shall apply to the board of health of the city or town where the bakery is situated for permission to return said products. The board of health granting the permit shall immediately notify the state department of public health by mail of its action. The department of public health may, if so requested, grant such permission to return bakery products, and shall immediately notify the local board of health by mail of its action. This permission in either case may be arranged for by telephone, subject to confirmation in writing within twenty-four hours.

III.

BOSTON REGULATIONS.

(9)

Conveying Bakers' Products, etc., or Keeping Same in Windows, etc., in Boston Forbidden Unless Properly Covered and Protected from Dust, etc.

Reg. February 12, 1913. 1. Except during the process of sale or while in the act of loading or unloading vehicles, no cut meat,

fish, shucked shellfish, dried or preserved fruits, dates, figs, cut fruits, cut melons, cracked nuts, nut meats, popped corn, candies, confectionery or bakers' products, which are intended for sale for human food, shall be conveyed from place to place, or kept in an open window or doorway, or kept outside of a building or in any public or private way of the city of Boston, unless so covered with clean material and so placed as to be protected from dust, flies and animals.

Approved by State Board of Health, February 6, 1913.

For penalty see G. L., ch. 94, s. 148 [see (3) of chapter 12, following].

CHAPTER 5.—BUTCHERS' SLAUGHTERING AND MELTING ASSOCIATION.

Sect.

1. Butchers' Slaughtering and Melting Association authorized to take and hold certain premises.
2. Association to carry on business in accordance with Board of Health regulations. Penalty.
3. Slaughtering in Boston to be done only upon premises of the Association.
4. Association to slaughter all cattle brought to them, and prepare meat for market. Charges, regulated.
5. Board of Health authorized to appoint inspectors. Duties. Salaries. Right of access.
6. Slaughter houses. Recommendations by State Department of Public Health.
7. Regulations for the sanitary government of the abattoir.
 1. Dead and diseased animals.
 2. Food and water supply.

Sect.

7. 3. Reception places for slaughtered parts. Trough drainage. Close-pens, cooling room, etc., to be kept clean.
4. Receiving animals slaughtered elsewhere, regulated.
5. Wagons. Rendering. Hides.
6. Rendering tallow. Disposition of tallow and of unremoved hides.
7. Sanitary condition of basements and rendering house.
8. Rendering certain parts by Corporation. Charges.
9. Rendering of offal.
10. Hot and cold water.
11. Blood for medicinal purposes.
12. Leases.
8. Assignment of a certain offensive trade.
9. Driving Texan cattle regulated.
10. Hours of slaughtering at abattoir.
11. Milk drawn within forty-eight hours from time cow brought into city.

I.

STATUTES.

(1)

The Butchers' Slaughtering and Melting Association Authorized to Take and Hold Certain Premises.

Acts 1870, Ch. 365. SECT. 2. (As amended 1876, 144, sect. 1.) Said corporation may take and hold, by purchase or otherwise, such parcel of land not exceeding one hundred acres in extent, and situated in Brighton, within two miles of the Cattle Fair Hotel, as the Board of Health of the city of Boston shall by vote, determine to be suitable for the carrying on of said business; . . .

(2)

Association to Carry on Business in Accordance with Board of Health Regulations. Penalty.

Acts 1870, Ch. 365. SECT. 4. (As amended 1876, 144, sect. 1.) Said corporation shall proceed to build upon said land suitable buildings for the slaughtering of cattle, sheep and other animals, and for melting and rendering purposes, and all necessary stables and out buildings. But no buildings shall be erected until the plans thereof, with all details of construction shall have been submitted to and approved by the board of health of the city of Boston, or some person designated by said board to examine said plans. All the business of said corporation shall be carried on in accordance with such regulations as said board shall from time to time establish and furnish in writing to the clerk of said corporation, and for each violation of any one of said regulations said corporation shall be liable to a fine of not less than twenty nor more than five hundred dollars, to be recovered

by indictment against said corporation. Subject to the foregoing provisions said corporation may manufacture and sell any of the usual products of said slaughtering and melting business, or may lease or permit other persons to use their buildings or parts thereof on such terms as may be agreed upon. And each member of said corporation shall have the right to slaughter on the said premises, subject to such regulations and such tariff of prices as said corporation may, by vote at any regular meeting establish, and to the regulations of the said board of health, as aforesaid. And any person engaged in slaughtering or other business on the premises of said corporation, who shall violate any of the said regulations of said board, shall be liable to the penalties hereinbefore affixed to violations thereof by said corporation.

(3)

Slaughtering in Boston to be Done Only Upon Premises of the Association.

Acts 1876, Ch. 144. SECT. 2. The business of slaughtering shall not be conducted within the limits of the city of Boston, except upon the premises of the Butchers' Slaughtering and Melting Association in said city.

(4)

Association to Slaughter All Cattle Brought to Them, and Prepare Meat for Market. Charges, Regulated.

Acts 1876, Ch. 144. SECT. 3. The said association shall, within a reasonable time, slaughter all cattle, sheep and calves which may be brought to their premises for that purpose by persons not occupying tenements therein, whenever the accommodations under their control will permit. They shall also prepare the meat and other products of such animals for the market. They may charge, in addition to the offal from said animals, such price per head as may be mutually agreed upon; and in case of disagreements as to price, the same shall be fixed by the board of health of the city of Boston.

(5)

Board of Health Authorized to Appoint Inspectors. Duties, Salaries, Right of Access.

Acts 1876, Ch. 144. SECT. 4. Said board of health of the city of Boston is authorized to appoint one or more inspectors, to see that the rules and regulations for the conduct of the business of the association for the time being are fully obeyed by said association and their tenants, and also to see that none but healthy animals are slaughtered; the salary or salaries of said inspector or inspectors to be established by the city council of said city of Boston. The said inspector or inspectors shall at all times have access to the premises of said association and any building thereon, and also to the premises, yards or cars of any railroad company within the city of Boston, for the purposes of examination, inspection and seizure of any meat or animals unfit for human food.

(6)

Slaughter Houses. Recommendations by State Department of Public Health.

Recommendations made by the State Department of Public Health. Sanitation: It is recommended that local authorities require slaughter houses and premises adjoining such establishments to be maintained in a reasonably sanitary condition.

It is recommended that the keeping of hogs near a slaughter house, and the feeding of hogs or other animals on the refuse of slaughter houses, shall not be permitted on the premises of a licensed establishment.

No animal that has died otherwise than by slaughter shall be received at any slaughter house except such animal that has died during transit to the slaughter house.

II.

REGULATIONS.

(7)

The Sanitary Government of the Abattoir.

Dead and Diseased Animals.

Reg. Feb. 21, 1877. 1. Only animals in health shall be slaughtered for food. Dead or diseased animals, when received in ordinary consignments of live-stock to persons slaughtering on the premises, may be prepared for rendering in the basements, and thence immediately transferred to the rendering tanks and rendered.

Food and Water Supply.

2. No unnecessary pain shall be inflicted on any animal. An ample supply of food and water must be served to animals at seasonable times.

Reception Places for Slaughtered Parts. Trough Drainage. Close-pens, Cooling-room, etc., to be Kept Clean.

3. All parts of animals slaughtered on the premises shall at once be put in the places provided for their reception; the offal, tallow, heads, feet, blood, hides, and tripe shall all be dropped through those openings in the floor which are specially designed to receive them. While the killing is in progress, the blood-hole in the trough shall be kept open, and the water-hole closed; and when the slaughtering is finished for the day, the water-hole shall be opened and all other holes closed; and the floor and walls of the slaughter-house shall be thoroughly scraped, washed and cleaned. The close-pens, cooling-rooms, loading-sheds, stables, and all other parts of the premises, shall be kept clean and in orderly condition.

Receiving Animals Slaughtered Elsewhere. Regulated.

4. No parts of animals slaughtered elsewhere shall be brought to the premises, except by special permission of the Board of Health. Permission to bring blood or offal (except fresh heads and feet) will not be given in any case.

Wagons. Rendering. Hides.

5. The corporation shall provide, in the basement, a sufficient number of properly constructed wagons to receive the offal, tallow,

heads, feet, blood, tripe and hides. One of said wagons shall be constantly kept under each opening in the floor while killing is going on, and until the slaughter-house floors are cleaned, after the killing. All parts of the slaughtered animals which are to be rendered, dried, or salted on the premises, shall be so treated without delay. All hides and skins, tallow or tripe, belonging to any tenant of the corporation who desires to have them removed from the premises before being rendered, salted, or cured, shall be so removed at once. In no case will such material be suffered to remain more than twelve hours before removal.

Rendering Tallow. Disposition of Tallow and of Removed Hides.

6. The corporation shall render all tallow produced on the premises by any person hiring or occupying any part thereof, whenever such person shall request it, and shall also render all tallow that is not removed from the premises as provided in the last section of the preceding regulation. And after such rendering the corporation shall return to each person his proportionate share of such rendered tallow, unless some other disposition of the same shall be mutually agreed upon. And all hides and skins not removed as provided for in the last section of the preceding regulation shall be salted by the corporation and returned to the owners. And the corporation shall receive for the rendering and salting provided in this regulation such compensation as shall from time to time be fixed by the directors, subject to the approval of the said Board of Health. But this regulation shall not prevent the corporation from buying from any tenant his crude tallow, or his hides, skins and tripe, at such price as may be agreed upon.

Sanitary Condition of Basements and Rendering House.

7. The corporation shall at all times keep the basements of the slaughter-houses thoroughly washed and cleaned; and shall provide that no blood, offal, or manure shall at any time enter the sewers.

The rendering-house shall be kept at all times clean and in good order, and none of the gases from the rendering-tanks, driers or condensers shall be permitted to escape into the open air or into the sewers.

Manure from cattle-pens, close-pens, and stables, and from the stomachs and intestines of animals slaughtered, shall be removed from the premises as often as may be necessary to insure cleanliness; and all the grounds of the corporation must be kept in an orderly condition.

Rendering Certain Parts by Corporation. Charges.

8. The corporation shall render the heads and feet of all animals slaughtered on the premises, and shall pay for each set of heads and feet such price as the directors may fix, from time to time, subject to the approval of the said Board of Health, unless the parties shall agree upon the price.

Rendering of Offal.

9. All blood, intestines, and other offal, which are the property of the corporation, shall be rendered while fresh, and all scrap and blood shall be dried immediately.

Hot and Cold Water.

10. The corporation shall furnish the necessary hot and cold water for cleaning the meat and the slaughter-houses, and also water for the stables' and stock-yards.

In the use of the machinery and water the tenant shall exercise all reasonable care to avoid breaking the machinery, wasting the water, and injuring the buildings.

Blood for Medicinal Purposes.

11. All blood that may be collected for food or medicinal purposes shall be caught in the slaughtering-house, and not be allowed to run through the blood-troughs or over the floor.

Leases.

12. All leases shall be executed in the name of the corporation, and shall contain a condition that the lessees will conform to such regulations as shall be made by the Board of Health of the city of Boston, or by the corporation, with the approval of said Board of Health.

For penalty see (2) preceding.

(8)

Assignment of A Certain Offensive Trade.

Oct. 8, 1883. Voted: That the present site of the Abattoir in Brighton be assigned to the Butchers' Slaughtering & Melting Association as a place for carrying on the business of melting, rendering and mixing such substances as may be necessary in the manufacture of fertilizers.

(9)

Driving Texan Cattle Over Roads in Boston Used by Other Cattle, or Exposing Other Cattle to Them Prohibited, Except Within Yards of Abattoir.

Reg. July 29, 1893. Whereas, Northern and western cattle exposed to those coming from Texas, or to the premises which have

been used by Texan cattle, are likely to contract a disease known as Texan fever among cattle, it is therefore

Ordered: That none of the cattle arriving from Texas shall be driven over any roads or across any lands which are used or are liable to be used by other cattle, nor in any way exposed to such other cattle within the limits of Boston, except within the yards immediately connected with the abattoir.

For penalty see Acts 1870, ch. 365, s. 4, as amended, see (2) preceding.

For general statute on subject see G. L., ch. 129, s. 35.

(10)

Slaughtering Cattle at Abattoir Prohibited Except at Certain Hours or When Inspector Present or Notified Thereof Before a Certain Time.

Reg. Sept. 25, 1899. It was voted to pass the following regulation respecting the hours of slaughtering cattle at the abattoir: Ordered, That on and after this date no animal shall be slaughtered at the abattoir in Brighton except on a week day between seven o'clock a. m. and six o'clock p. m., or when the inspector at the abattoir is present at the slaughter or shall have been notified thereof before twelve o'clock of the noon preceding the same.

For penalty see Acts 1870, ch. 365, s. 4 as amended, see (2) preceding.

(11)

Sale of Milk Drawn Within Forty-eight Hours After Cow Brought Into City, Prohibited. All Such Milk Shall be Destroyed. Proviso in Case of the New England Dressed Meat and Wool Co. Using Such Milk as Food for Pigs.

Reg. July 19, 1907. As amended Aug. 31, 1900. No milk drawn from a cow in the city of Boston within forty-eight hours after said cow is brought into said city, shall be sold, or used for human food, and all milk drawn from any cow within forty-eight hours after said cow is brought into said city shall be destroyed within one hour after it is drawn from the cow; provided nothing in this regulation shall be construed to prevent the New England Dressed Meat and Wool Co., from permitting all milk produced at the stock yards in Brighton from cows while held there for sale to be fed to pigs.

For penalty see Acts 1870, ch. 365, s. 4 as amended, see (2) preceding.

CHAPTER 6.—BUTTER, CHEESE, OLEOMARGARINE AND ICE CREAM.

Sect.

1. Inspectors of milk shall institute complaints under certain sections on information, etc. They may enter places where butter, cheese, etc., or ice cream are stored, etc., and shall take sample of suspected butter, etc., and cause them to be analyzed, etc., and record result as evidence. Part of certain samples shall be reserved and delivered, when complaint instituted, to defendant. Certain expense of analysis may be included in expense of prosecution.
2. Penalty for hindering, etc., an inspector of milk in performance of duties under section 60.
3. Butter, cheese and oleomargarine defined.
4. Containers of oleomargarine exposed for sale, etc., shall have word "oleomargarine" or "butterine" stamped on top, side and bottom thereof. Oleomargarine not in original package exposed for sale, etc., shall have a label attached thereto bearing certain words, and in retail sales such label shall be attached to each package and delivered therewith to purchaser. Lettering prescribed.
5. Containers of articles, etc., made in imitation of cheese, etc., exposed for sale, etc., shall have "imitation cheese" stamped, etc., in certain letters upon top and side thereof; and in retail sales of such articles not in original package a certain label shall be attached to each package and delivered therewith to purchaser.
6. Penalty (1) for sale, etc., of any article, etc., in imitation of butter or cheese, etc., except as provided in sections 49 & 50; (2) for defacing etc., any mark, etc., provided for in said sections, or (3) falsely labelling, etc., any box, etc., marked, etc., as provided in said sections; (4) for sale, etc., of oleomargarine, in any box, etc., marked or labeled with certain words, and (5) for using certain names in connection with certain advertisements, etc., with intent to deceive, using in such connection, certain words.
7. Penalty for manufacturing, selling, etc., any article, etc., made out of any fat, etc., not produced from unadulterated

Sect.

- milk, etc., which is in imitation of yellow butter produced from unadulterated milk, etc. Exemption in case of manufacture and sale of oleomargarine in such manner as will indicate its real character.
8. Penalty (1) for exposing for sale oleomargarine not marked as required by section 49, and without a certain placard upon the exposed contents of each opened container thereof; and (2) for selling oleomargarine to any person who asks for butter.
 9. Penalty for furnishing oleomargarine, instead of butter in any hotel, etc., without so notifying guest.
 10. Disposition of certain fines.
 11. Containers of articles exposed for sale etc., known as "process butter" and produced in a certain manner shall have "renovated butter" stamped in a certain way on top, side and bottom thereof, and such sales at retail not in original package, shall have a certain label attached to each package and delivered to purchaser therewith. Penalty for violation of any provision of this section.
 12. Standard for ice cream. Inspectors of milk shall have a certain authority relative to any violation of this section.
 13. Penalty for sale, etc., under name of "ice cream" of any substance in violation of preceding section.
 14. Regulations of Health Commissioner of Boston relative to the manufacture, sale and care of ice cream:
- Article I. Rooms, Vehicles, Utensils and Toilet Facilities.
1. Manufacturing, etc., ice cream in places used as stable for horses, etc., or for domestic or sleeping purposes, forbidden unless room separated to satisfaction of Health Commissioner.
 2. Walls and floors shall be so constructed as to allow thorough cleaning, and shall be tight and kept clean. Appliances shall be provided for sterilizing utensils and all utensils shall be sterilized after use. Containers not to be used for other substances than ice cream.

Sect.

14. 3. Facilities shall be provided for washing hands, etc. Employees before beginning work shall wash hands and keep them clean. Clean outer garments required.
4. Location of water-closets prescribed.
5. Vehicles shall be kept clean and free from offensive odors.

Article II. Storage.

1. Refrigerator with proper drainage and location required and to be properly cared for.

Article III. Infectious Disease.

1. Manufacturers, etc., of ice cream shall notify Health Commissioner of in-

Sect.

14. fectionous disease in family, among employees or in building; and shall suspend sale, etc., until authorized by Health Commissioner to resume same. Utensils handled by such patients shall be sterilized before re-use.

Article IV. Ingredients.

1. Cream, etc., for use in making ice cream shall be kept at a certain temperature.
2. Re-use of old or melted or returned ice cream prohibited.

I.

STATUTES.

(1)

Inspectors of Milk Shall Institute Complaints Under Certain Sections on Information, etc. They May Enter Places Where Butter, Cheese, etc., or Ice Cream are Stored, etc., and Shall Take Samples of Suspected Butter, etc., and Cause Them to be Analyzed, etc., and Record Result as Evidence. Part of Certain Samples Shall be Reserved and Delivered, When Complaint Instituted, to Defendant.

G. L., Ch. 94. SECT. 60. Each inspector of milk shall institute complaints for the violation of any provision of sections forty-nine to fifty-eight, inclusive, sixty-two and sixty-four on the information of any person who lays before him satisfactory evidence to sustain such complaint, if he has reasonable cause to believe that said provision has been violated. He may enter each place where butter, cheese or imitations thereof, or ice cream are stored or kept for sale, and shall take samples of suspected butter, cheese, or imitations thereof, or ice cream, and cause them to be analyzed or otherwise satisfactorily tested, and shall record and preserve as evidence the result of such analysis or test. Before commencing the analysis of any sample in any preceeding for violation of any provision of sections forty-nine to fifty-one, inclusive, and sixty-four, the analyst shall reserve* and seal a portion of the sample, and, upon complaint made against the person from whom such sample was taken, such reserved portion of the sample alleged to be adulterated shall, upon application, be delivered to such person or to his attorney. The expense of such analysis or test, not exceeding twenty dollars in any one case, may be included in the expense of such prosecution.

1881, 292, s. 4.

R. L. 56, s. 42.

176 Mass. 132.

P. S. 56, s. 20.

1910, 394.

177 Mass. 67.

1884, 310, ss. 2, 4.

1913, 743, s. 3.

1891, 58, s. 3.

132 Mass. 12.

* Not required in complaint under section 54. See Commonwealth v. Ryberg, 177 Mass. 67.

(2)

Penalty for Hindering, etc., an Inspector of Milk in Performance of Duties Under Section 60.

G. L., Ch. 94. SECT. 62. Whoever hinders, obstructs or in any way interferes with an inspector of milk or collector of samples of milk in the performance of his duties under section sixty, shall for the first offence be punished by a fine of fifty dollars and for a subsequent offence by a fine of one hundred dollars.

1884, 310, s. 2.

R. L. 56, s. 42.

1913, 743, s. 3.

1891, 58, s. 3.

1910, 394.

(3)

Butter, Cheese and Oleomargarine Defined.

G. L., Ch. 94. SECT. 1. The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings.

"Butter" and "cheese" products usually known by these names which are manufactured exclusively from milk or cream with salt and rennet and with or without coloring matter.

1881, 292, s. 5.

P. S. 56, s. 21.

"Oleomargarine" includes butterine, imitation butter and any article, substance or compound made in imitation or semblance of or as a substitute for butter and not made exclusively and wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream.

R. L. 56, s. 35.

(4)

Containers of Oleomargarine Exposed for Sale, etc., Shall Have Word "Oleomargarine" or "Butterine" Stamped on Top, Side and Bottom Thereof. Oleomargarine not in Original Package Exposed for Sale, etc., Shall Have a Label Attached Thereto Bearing Certain Words: and in Retail Sales Such Label Shall be Attached to Each Package and Delivered Therewith to Purchaser. Lettering Prescribed.

G. L., Ch. 94. SECT. 49. Whoever himself or by his agent sells, exposes for sale or has in his possession with intent to sell oleomargarine shall have the word "oleomargarine" or "butterine" so stamped, labelled or marked that said word cannot be easily defaced, upon the top, side and bottom of each tub, firkin, box or package containing any of said oleomargarine. Whoever, himself or by his agent, exposes or offers for sale oleomargarine not in the original package shall attach thereto in a conspicuous place a label bearing the words "imitation butter," or the word "oleomargarine" or "butterine." In retail sales of oleomargarine not in the original package the seller shall attach to each package so sold, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "imitation butter" or the word "oleomargarine" or "butterine." Each such stamp, label or mark shall be in printed letters in a straight line of plain, uncondensed gothic type, not less than one half inch in length.

1878, 106, s. 1.

1885, 352, s. 1.

150 Mass. 327.

1881, 292, s. 1.

1886, 317, s. 1.

157, Mass. 405, 507.

P. S. 56, s. 17.

R. L. 56, s. 36.

1884, 310, s. 1.

148 Mass. 172.

For penalty see G. L., ch. 94, s. 51 [see (6) following].

(5)

Containers of Articles, etc., Made in Imitation of Cheese, etc., Exposed for Sale, etc., Shall have "Imitation Cheese" Stamped, etc., in Certain Letters upon Top and Side Thereof; and in Retail Sales of Such Articles Not in Original Packages a Certain Label Shall be Attached to Each Package and Delivered Therewith to Purchaser.

G. L., Ch. 94. SECT. 50. Whoever himself or by his agent sells, exposes for sale or has in his possession with intent to sell, any article, substance or compound, made in imitation or semblance or cheese or as a substitute or containing any fats, oils or grease not produced therefrom shall have the words "imitation cheese," stamped, labelled or marked in printed letters of plain, uncondensed gothic type, not less than one inch in length, so that said words cannot be easily defaced, upon the side of each cheesecloth or band around the same, and upon the top and side of each tub, firkin, box or package containing any of said article, substance or compound. In retail sales of said article, substance or compound not in the original packages, the seller shall attach to each package so sold, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "imitation cheese," in printed letters of plain uncondensed gothic type, not less than one half inch in length.

1881, 292, s. 2.

P. S. 56, s. 18.

1885, 352, s. 2.

R. L. 56, s. 37.

For penalty see G. L., c. 94, s. 51, see (6) following.

(6)

Penalty (1) for Sale, etc., of Any Article, etc., in Imitation of Butter or Cheese, etc., Except as Provided in Sections 49 and 50; (2) for Defacing, etc., Any Mark, etc., Provided for in Said Sections, or (3) Falsely Labelling, etc., Any Box, etc., Marked, etc., as Provided in Said Sections; (4) for Sale, etc., of Oleomargarine, in Any Box, etc., Marked or Labelled with Certain Words; and (5) for Using Certain Names in Connection with Certain Advertisements or With Intent to Deceive, Using, in Such Connection, Certain Words.

G. L., Ch. 94. SECT. 51 (as Amended Acts 1923, Ch. 84). Whoever sells, exposes for sale or has in his possession with intent to sell, any article, substance or compound made in imitation or semblance of butter or cheese or as a substitute therefor, except as provided in the two preceding sections, and whoever with intent to deceive defaces, erases, cancels or removes any mark, stamp, brand, label or wrapper provided for in said sections or in any manner falsely labels, stamps or marks any box, tub, article or package marked, stamped or labelled as provided in said sections, or whoever himself or by his agent sells, exposes for sale, or has in his possession with intent to sell, oleomargarine, contained in any box, tub, article or package, marked or labelled with the word "dairy," or the word "creamery," or the name of any breed of dairy cattle, or whoever uses in any way in connection or association with an advertisement of margarine, oleomargarine or of any substance designed to be used as a substitute for butter, the name or representation of any dairy animal or breed of dairy cattle, or, with intent to deceive, uses in any way in such connection or association the word "butter," "creamery" or "dairy" or any other words or symbols commonly used in advertisements of butter, shall for the first offence forfeit one hundred

dollars, and for each subsequent offence two hundred dollars, to the use of the town where the offence was committed.

1878, 106, s. 2.

P. S. 56, s. 19.

2 Op. A. G. 332.

1880, 199.

1886, 317, ss. 2, 3.

1923, 84.

1881, 292, s. 3.

R. L. 56, s. 38.

(7)

Penalty for Manufacturing, Selling, etc., Any Article, etc., Made Out of Any Fat, etc., not Produced from Unadulterated Milk, etc., Which is in Imitation of Yellow Butter Produced from Unadulterated Milk, etc., Exemption in Case of Manufacture and Sale of Oleomargarine in Such Manner as Will Indicate its Real Character.

G. L., Ch. 94. SECT. 54. Whoever himself or by his agent or servant renders, manufactures, sells, offers for sale, exposes for sale, takes orders for the future delivery of, has in his possession, keeps in storage, distributes, delivers, transfers or conveys with intent to sell within the commonwealth any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which is in imitation of yellow butter produced from unadulterated milk or cream from the same, shall be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment for not more than one year; but this section shall not prohibit the manufacture or sale of oleomargarine in a separate and distinct form, free from any coloration or ingredient which causes it to look like butter, and in such manner as will inform the consumer of its real character.

1891, 58, ss. 1, 2.

156 Mass. 236.

176 Mass. 132.

1894, 280, s. 6.

158 Mass. 172.

155 U. S. 461.

1896, 377, s. 1.

162 Mass. 520.

R. L. 56, s. 41.

163 Mass. 169.

For matters of pleading and evidence, see 158 Mass. 172; 162 Mass. 520; 176 Mass. 132.

(8)

Penalty (1) for Exposing for Sale Oleomargarine not Marked as Required by Section 49, and Without a Certain Placard upon the Exposed Contents of Each Opened Container Thereof; and (2) for Selling Oleomargarine to Any Persons Who Asks for Butter.

G. L., Ch. 94. SECT. 55. Whoever exposes for sale oleomargarine which is not marked and distinguished by all the marks, words and stamps required by section forty-nine, and does not have upon the exposed contents of each opened tub, package or parcel thereof a conspicuous placard with the word "oleomargarine" printed thereon in plain, uncondensed gothic letters, not less than one inch long, and whoever himself or by his agent sells or offers for sale any oleomargarine to any person who asks or sends for butter, shall be punished by a fine of one hundred dollars.

1891, 412, s. 12.

R. L. 56, ss. 43, 44.

155 U. S. 461.

1894, 280, ss. 2, 3.

156 Mass. 236.

(9)

Penalty for Furnishing Oleomargarine Instead of Butter in Any Hotel, etc., Without so Notifying Guest.

G. L., Ch. 94. SECT. 58. Whoever furnishes oleomargarine or causes it to be furnished, instead of butter, in any hotel, restaurant or boarding house or at any

lunch counter, to a guest or patron thereof, without notifying said guest or patron that the substance so furnished is not butter shall be punished by a fine of not less than ten nor more than fifty dollars.

1891, 412, s. 5.

R. L. 56, s. 47.

1896, 377, s. 2.

159, Mass. 113.

Actual notice is necessary. If the notice is upon a sign or bill of fare which the patron does not read, the notice is not given. *Commonwealth v. Stewart*, 159 Mass. 113.

For disposition of fine, see G. L., 94, s. 63, see (10) following.

(10)

Disposition of Certain Fines.

G. L., Ch. 94. SECT. 63. All fines recovered under sections fifty-five to fifty-eight, inclusive, shall be paid to the commonwealth.

1891, 412, s. 12.

R. L. 56, s. 50.

(11)

Containers of Articles Exposed for Sale, etc., Known as "Process Butter" and Produced in a Certain Manner Shall Have "Renovated Butter" Stamped in a Certain Way on Top, Side and Bottom Thereof, and Such Sales at Retail Not in Original Package Shall Have a Certain Label Attached to Each Package and Delivered to Purchaser Therewith. Penalty for Violation of Any Provision of This Section.

G. L., Ch. 94. SECT. 59. Whoever himself or by his agent sells, exposes for sale or has in his custody or possession with intent to sell, an article or compound commonly known as process butter, and produced by taking original packing stock or other butter, or both, melting the same, so that the butter fat can be drawn off, mixing the fat with skimmed milk, or milk, cream or other milk product and rechurning the mixture, or by any similar process, shall have "renovated butter" conspicuously stamped, labelled or marked so that the words cannot easily be defaced, in a straight line in printed letters not less than one half inch in length, of plain, uncondensed gothic type, upon the top, side and bottom of each tub, firkin, box or package containing said article or compound. The seller at retail of said article or compound which is not in the original package shall himself or by his agent attach to each package so sold and delivered therewith to the purchaser a label or wrapper bearing conspicuously upon the outside thereof the words "renovated butter" in printed letters not less than one half inch in length, in a straight line of plain, uncondensed gothic type. Whoever violates any provision of this section shall for the first offence be punished by a fine of not less than twenty-five nor more than one hundred dollars, for the second offence by a fine of not less than one hundred nor more than three hundred dollars, and for a subsequent offence by a fine of five hundred dollars or by imprisonment for not less than two nor more than three months.

1899, 340.

R. L. 56, s. 48.

1903, 361.

2 Op. A. G. 332.

(12)

Standard for Ice Cream. Inspectors of Milk Shall Have a Certain Authority Relative to any Violation of This Section.

G. L., Ch. 94. SECT. 64. Substances manufactured or sold under the general name of "ice cream" shall contain not less than seven per cent of milk

fat, and if flavored with fruit shall be flavored only with sound, clean, matured fruit, and if containing nuts shall contain only sound, matured, non-rancid nuts.

Inspectors of milk shall have the same authority relative to any suspected violation of this section and to the enforcement thereof which they have under section sixty.

1913, 743, ss. 1, 3.

1914, 67, s. 1.

For penalty see (13) following.

(13)

Penalty for Sale, etc., Under Name of "Ice Cream" of Any Substance in Violation of Preceding Section.

G. L., Ch. 94. SECT. 65. Whoever himself or by his servant or agent manufactures, exposes for sale or has in his custody or possession with intent to sell, or sells under the name of "ice cream" any substance in violation of the preceding section shall be punished by a fine of not more than one hundred dollars.

1913, 743, s. 2.

1914, 67, s. 2.

II.

REGULATIONS.

(14)

Manufacture, Sale and Care of Ice Cream.

Reg. Jan. 8, 1913. Whereas, At a meeting of the State Board of Health held Jan. 2, 1913, it was voted to approve the regulations submitted June 19, 1912, by the Boston Board of Health under the provisions of chapter 448 of the Acts of 1912 (now G. L., Ch. 94, sect. 146) with the following exception: Section 2 of Article 4 to be eliminated and Section 3 of the same Article to be renumbered Section 2; it is therefore

Ordered: That these regulations be hereby adopted, as approved by the State Board of Health, and are as follows:

Article 1. Rooms, Vehicles, Utensils and Toilet Facilities.

Manufacturing, etc., Ice Cream Forbidden in Parts of Building Used as Stable or for Domestic or Sleeping Purposes, Unless Rooms Separated to Satisfaction of Health Commissioner.

SECTION 1. No ice cream shall be manufactured or stored in any portion of a building which is used for the stabling of horses, or other animals, or in any room used in whole or in part for domestic or sleeping purposes, unless the manufacturing and storage room for ice cream is separated from other parts of the building to the satisfaction of the Health Commissioner.

Walls and Floors to be so Constructed as to Allow Thorough Cleaning and Shall be Tight and Kept Clean. Appliances for Sterilizing Utensils Required. All Utensils Shall be Sterilized After Use. Containers Not to be Used for Other Substances Than Ice Cream.

SECT. 2. All rooms in which ice cream is manufactured or stored shall be provided with tight walls and floors and kept constantly clean. The walls and floors of said rooms shall be of such construction as to permit rapid and thorough cleansing. The room or rooms aforesaid shall be equipped with appliances for washing or sterilizing all utensils employed in the mixing, freezing, storage, sale or distribution of ice cream, and all such utensils after use shall be thoroughly washed with boiling water, or sterilized by steam. Vessels used in the manufacture and sale of ice cream shall not be employed as containers for other substances than ice cream.

Washing Facilities Required and All Employees Before Mixing Ingredients, etc., Shall wash Hands and Keep Them Clean. Clean Outer Garments Required.

SECT. 3. All establishments in which ice cream is manufactured shall be equipped with facilities for the proper cleansing of the hands of operatives, and all persons immediately before engaging in the mixing of the ingredients entering to the composition of ice cream, or its subsequent freezing and handling, shall thoroughly wash his or her hands and keep them cleanly during such manufacture and handling. All persons shall be dressed in clean outer garments while engaged in the manufacture and handling of ice cream.

Location of Water-Closets, etc.

SECT. 4. No urinal, water-closet or privy shall be located in the rooms mentioned in the preceding section, or so situated as to pollute the atmosphere of said rooms.

Vehicles Shall be Kept Clean and Free from Offensive Odors.

SECT. 5. All vehicles used in the conveyance of ice cream for sale or distribution shall be kept in a cleanly condition and free from offensive odors.

Article II. Storage.

Refrigerator with Proper Drainage and Location Required and to be Properly Cared for.

SECTION 1. Ice cream kept for sale in any shop, restaurant or other establishment, shall be stored in a covered box or refrigerator. Such box or refrigerator shall be properly drained and cared for, and shall be kept tightly closed, except during such intervals as are

necessary for the introduction or removal of ice cream or ice, and shall be kept only in such locations and under such conditions as shall be approved by the Health Commissioner.

Article III. Infectious Disease.

Manufacturers, etc., of Ice Cream Shall Notify Health Commissioner of Infectious Disease in Family, Among Employees or in Building; and Shall Suspend Sale, etc., Until Authorized to Resume by Health Commissioner. Utensils Handled by Such Patients Shall be Sterilized Before Re-use.

SECTION 1. Every person engaged in the manufacture, storage, transportation, sale or distribution of ice cream, immediately on the occurrence of any case or cases of infectious disease, either in himself or in his family, or amongst his employees, or within the building or premises where ice cream is manufactured, stored, sold or distributed, shall notify the Boston Health Commissioner and at the same time shall suspend the sale and distribution of ice cream until authorized to resume the same by the said Health Commissioner. No vessels which have been handled by persons suffering from such disease shall be used to hold or convey ice cream until they have been thoroughly sterilized.

Article IV. Ingredients.

Cream, etc., for Use in Making Ice Cream Shall be Kept at a Certain Temperature.

SECTION 1. All cream, milk or skimmed milk, employed in the manufacture of ice cream, shall before use be kept at a temperature not higher than fifty degrees Fahrenheit.

Re-use of Old or Melted or Returned Ice Cream Prohibited.

SECT. 2. No old or melted ice cream, or ice cream returned to a manufacturer from whatever cause, shall again be used in the preparation of ice cream.

For penalty for any violation of above regulation see G. L., c. 94, s. 148 [see (3) of chap. 12 following].

References.

SECTS. (8)–(9). For penalty for selling oleomargarine from any dwelling, store, office public mart without a certain placard thereon, see G. L., ch. 94, s. 56 [see (3) of chapter 10 following].

For penalty for peddling, etc., oleomargarine from any vehicle without having on both sides thereof a certain placard, see G. L., ch. 94, s. 57 [see (4) of chapter 10 F, following].

CHAPTER 7.—COLD STORAGE WAREHOUSES.

Sect.

1. Definitions.
2. Maintaining a cold storage warehouse forbidden without a license from the State Department of Public Health. Application State Department to cause examination of its sanitary condition. Fee. Term. State Department authorized to issue license and to close warehouses conducted in an insanitary manner and also to suspend license. Monthly report from licensee, to State Department.
3. Boards of health shall inspect and the state department shall inspect and supervise all cold storage warehouses, etc. State department authorized to make regulations to secure enforcement of certain sections.
4. State department and local boards shall be permitted access to all cold storage and refrigerating warehouses.
5. Placing in cold storage, food deemed by state department to be diseased, etc., forbidden also returning to cold storage food that has once been released for purposes of sale; but, transfer of goods from one warehouse to another permitted in certain cases. Altering, etc., until a certain time any marking which shows date of receipt in storage forbidden; also transferring foods in cold storage without making known to purchaser date of receipt in storage.
6. Holding food in cold storage longer than 12 months forbidden except with consent of state department. State may extend time in certain cases. Report of same to be included in annual report of state department.
7. Date of receipt in storage shall be marked on containers or on food, except fish. Food previously stored in other states shall be marked with date of original deposit.
8. Sale of food which has been in storage forbidden without displaying a certain sign, except in case of fish and eggs. Representing as fresh goods, food which has been held in cold storage, forbidden.
9. Penalty for violating certain sections.
10. Eggs which have been in cold storage, when exposed for sale at wholesale etc., shall have their container marked in a certain way. When offered for sale at retail, etc., a certain sign shall

Sect.

- be displayed. Markings shall be done as approved by state department. Penalty.
11. Certain eggs when deposited in cold storage, shall be denatured, and marked in a certain way.
 12. Selling certain kinds of eggs forbidden. Using same in the preparation of food products forbidden. State department shall enforce this section. Penalty.
 13. Rules and regulations governing the business of cold storage, made April 1, 1922, by State Department of Public Health under G. L., 94, sect. 67.
 1. Food when placed in cold storage shall when practicable be enclosed in certain boxes, etc.
 2. When food contained in packages, same shall be marked with date of receipt in storage. When not so contained and individual marking not practicable, the food may be stored in piles and a certain tag applied. Lettering, etc., prescribed.
 3. When food in storage twelve months, custodian shall report to state department and such food shall not be removed until released by state. When date of previous storage outside state cannot be ascertained, food may be received in storage temporarily and depositor shall notify state department which may grant permission to keep same in storage. When food appears to have been previously in storage but does not bear date of same warehouse may receive same temporarily but shall notify the state department.
 4. Warehousemen shall notify owners of food in storage when such articles in storage 12 months lacking fifteen days.
 5. Requests for permission to store longer than 12 months, how made and when. Inspection by agents of state required before granting.
 6. Certain foods not to be considered as being held in cold storage.
 7. The sign required by section 72 shall be printed in certain type, etc., posted in a conspicuous place, and have no other lettering attached.

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13. 8. Broken eggs not intended for food shall, if packed in barrels, have a certain label on side of same. Lettering prescribed. Same required for all rates containing more than a single can.
9. Floors, etc., of cold storage warehouses shall be kept clean, etc., and food protected from flies, dust, etc.
10. Toilet rooms shall be separate from storage rooms. Cuspidors to be washed daily.
11. Employment of any person affected with contagious disease, forbidden.
12. Placing any materials which are in a state of decomposition, etc., in the same room with articles for use as food, forbidden.

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13. 13. Classification of foods for use in warehousemen's quarterly report, to state.
14. Manner of reporting eggs, etc., prescribed.
15. Penalty.
14. Law and regulation adopted July 11, 1922 by the State Department of Public Health regarding the sale of cold storage eggs.
 1. Sign required by section 91 to be displayed among eggs offered for sale shall be printed in a certain type. No other lettering to appear.
 2. Marking required by section 91 to be placed upon container in which cold storage eggs placed for sale.

I.

STATUTES.

(1)

Definitions.

G. L., Ch. 94. SECT. 1. The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings:

"Cold storage," in sections sixty-six to seventy-three, inclusive, and ninety-two, the storage of articles of food at or below a temperature of forty-five degrees Fahrenheit for a period of thirty days or more.

"Cold storage," or "refrigerating warehouse," in sections sixty-six to seventy-three, inclusive, and ninety-two, an establishment employing refrigerating machinery or ice for the purpose of refrigeration, or a place otherwise artificially cooled, where articles of food are stored for thirty days or more at or below a temperature of forty-five degrees Fahrenheit.

"Article of food," in sections sixty-six to seventy-three, inclusive, includes fresh meat, fresh meat products except in process of manufacture, fresh food fish, poultry, eggs and butter.

(2)

Maintaining a Cold Storage Warehouse Forbidden without a License from the State Department of Public Health. Application. State Department to Cause Examination of its Sanitary Condition. Fee. Term. State Department Authorized to Issue License and to Close Warehouses Conducted in an Insanitary Manner and also to Suspend License. Monthly Report from Licensee to State Department.

G. L., Ch. 94. SECT. 66. No person shall maintain a cold storage or refrigerating warehouse without a license issued by the department of public health. Any person desiring such a license may make application to such department, stating the situation of his plant. Upon receipt of the application the said department shall cause an examination of the sanitary condition of the plant to be made, and if it is found to be in a sanitary condition and otherwise properly equipped for the business of cold storage, said department upon receipt of a license fee of ten dollars shall cause a license to be issued authorizing the

applicant to maintain therein a cold storage or refrigerating warehouse for one year. If any warehouse or any part thereof, licensed under this section, is deemed by said department to be conducted in an unsanitary manner, it shall close such warehouse or part thereof, until it has been put in sanitary condition, and said department may also suspend the license if the required changes are not made within a reasonable time. Each such licensee shall submit to the department of public health on or before the fifteenth day of each month, a report * on a printed form to be provided by said department, stating the quantities of articles of food placed in cold storage during the month preceding, and also the quantities of articles of food held on the first day of the month in which the report is filed or such other day as the commissioner of public health may from time to time fix.

1912, 652, s. 2.

1917, 149, s. 2.

1920, 297, s. 1.

1914, 792, s. 1.

1919, 350, s. 96.

For penalty see G. L., ch. 94 s. 73 [see (9) following].

(3)

Boards of Health shall Inspect and the State Department shall Inspect and Supervise all Cold Storage Warehouses, etc. State Department Authorized to make Regulations to Secure Enforcement of Certain Sections.

G. L., Ch. 94. SECT. 67. Boards of health of towns within their towns shall inspect, and the department of public health shall inspect and supervise all cold storage or refrigerating warehouses and shall make such inspection of the entry of articles of food therein as they deem necessary to secure proper enforcement of the laws relative to cold storage. The department may make rules and regulations to secure a proper enforcement of sections sixty-six to seventy-two, inclusive, and ninety-two.

1910, 640.

1914, 792, s. 1.

Op. A. G. (1920), 172.

1912, 652, ss. 3, 9.

1919, 28; 350, s. 96.

(4)

State Department and Local Boards shall be Permitted Access to all Cold Storage and Refrigerating Warehouses.

G. L., Ch. 94. SECT. 68. The department of public health and local boards of health, their agents, inspectors or employees shall be permitted access to each establishment mentioned in the preceding section, and to all parts thereof at all reasonable times for the purpose of inspection and enforcement of any provision of law relative to food products.

1910, 640.

1914, 792, s. 1.

1912, 652, s. 3.

1919, 28; 350, s. 96.

(5)

Placing in Cold Storage Food Deemed by State Department to be Diseased, etc., Forbidden. Also Returning to Cold Storage Food that has Once been Released for Purposes of Sale; but Transfer of Goods from one Warehouse to Another Permitted in Certain Cases. Altering, etc., until a Certain Time any Marking which Shows Date of Receipt in Storage Forbidden; also Transferring Foods in Cold Storage without Making Known to Purchaser Date of Receipt in Storage.

G. L., Ch. 94. SECT. 69. No article of food intended for human consumption shall be placed or retained in cold storage if deemed by the department of

* For particulars of this report see sections 13 and 14 of (13) following.

public health to be diseased, tainted or otherwise unwholesome, and no person shall return to cold storage any article of food that has once been released from such storage for the purpose of placing it on the market for sale, but this section shall not apply to the transfer of goods from one cold storage or refrigerating warehouse to another, provided that such transfer is not made for the purpose of evading any provision of sections sixty-six to seventy-two inclusive, and ninety-two. No person shall alter, deface or remove any marking on cold storage food which shows the date of its receipt in cold storage until after the food is finally withdrawn for the purpose of immediate sale for consumption, nor shall any person transfer the ownership of food in cold storage without previously making known to the purchaser the date on which it was originally placed in cold storage.

1912, 652, ss. 3, 7.

1917, 149, s. 5.

1920, 297, ss. 3, 4.

1914, 792, s. 1.

1919, 28; 350, s. 96; 351, s. 7, 8.

For penalty see G. L., c. 94, s. 73 [see (9) following].

(6)

Holding Food in Cold Storage Longer than Twelve Months Forbidden Except with Consent of State Department. State may Extend Time in Certain Cases. Report of Same to be Included in Annual Report of State Department.

G. L., Ch. 94. SECT. 70. No person shall hold any article of food in cold storage which has been in cold storage longer than twelve calendar months, except with the consent of the department of public health. The said department, upon application, may extend the period of storage beyond twelve months for a particular consignment of goods, if the goods in question are found upon examination to be in proper condition for further storage at the end of such time. The length of time for which further storage is allowed shall be specified by the department. A report on each case in which such extension of storage is permitted, including information relating to the reason for the action of said department, the kind and amount of goods for which the storage period was extended, and the period of extension, shall be included in the annual report of the commissioner of public health.

1912, 652, s. 5.

1919, 350, s. 96.

Op. A. G. (1913), 1.

1914, 792, s. 1.

4 Op. A. G. 1.

Op. A. G. (1920), 172.

1917, 149, s. 3.

(7)

Date of Receipt in Storage shall be Marked on Containers or on Food, Except Fish. Food Previously Stored in other States shall be marked with Date of Original Deposit.

G. L., Ch. 94. SECT. 71. The date of receipt into cold storage shall be plainly marked either upon the containers in which any articles of food deposited in such storage are packed, or, if not packed in containers, on or in connection with all such articles, except fish. When deposited in cold storage, all articles of food which have been previously stored in any other state or country shall be plainly marked, as above provided, with the date of their original deposit in cold storage.

1912, 652, s. 4.

1920, 297, s. 2.

For penalty see G. L., ch. 94, s. 73 [see (9) following].

(8)

Sale of Food which has been in Storage Forbidden without Displaying a Certain Sign except in Case of Fish and Eggs. Representing as Fresh Goods, Food which has been held in Cold Storage, Forbidden.

G. L., Ch. 94. SECT. 72. Except as provided in sections seventy-eight and ninety-one, no person shall sell or offer or expose for sale articles of food which have been held in cold storage without notifying each person purchasing or intending to purchase the same that they have been so held by displaying in a conspicuous place a sign marked "Cold Storage Goods Sold Here." No person shall represent or advertise as fresh goods articles of food which have been held in cold storage.

1912, 652, s. 6.

1917, 149, s. 4.

1919, 351, s. 10.

For penalty see Gen. L., ch. 94, s. 73 [see (9) following.]

(9)

Penalty for Violating Certain Sections.

G. L., Ch. 94. SECT. 73. Except as provided in sections seventy-eight and ninety-one, no person shall sell or offer or expose for sale articles of food which have been held in cold storage without notifying each person purchasing or intending to purchase the same that they have been so held by displaying in a conspicuous place a sign marked "Cold Storage Goods Sold Here." No person shall represent or advertise as fresh goods articles of food which have been held in cold storage.

1912, 652, s. 6.

1917, 149, s. 4.

1919, 351, s. 10.

(10)

Eggs Which Have Been in Cold Storage, When Exposed for Sale at Wholesale, etc., Shall Have Their Container Marked in a Certain Way. When Offered for Sale at Retail, etc., a Certain Sign Shall be Displayed. Markings Shall be Done as Approved by State Department. — Penalty.

G. L., Ch. 94. SECT. 91. Whenever eggs which have been in cold storage are sold at wholesale or retail, or offered or exposed for sale, the basket, box or other container in which the eggs are placed shall be marked plainly and conspicuously with the words "cold storage eggs," or there shall be attached to such container a placard or sign having on it the said words. If eggs which have been in cold storage are sold at retail or offered or exposed for sale without a container, or placed upon a counter or elsewhere, a sign or placard, having the words "cold storage eggs" plainly and conspicuously marked upon it, shall be displayed among, upon or immediately above the said eggs. The display of the words "cold storage eggs" shall be in letters not less than one inch in height, except that the container in which eggs sold at retail are delivered to the customer may be marked in letters less than one inch in height if uncondensed gothic type is used, but such letters shall in no case be less than one half inch in height. All markings † required by this section shall be done in a manner approved by the (state) commissioner of public health. Whoever violates this section shall be punished by a fine of not less than ten nor more than five hundred dollars.

1913, 538, ss. 1, 2.

1915, 55.

4 Op. A. G. 8, 318.

1914, 545; 792, s. 1.

1919, 350, s. 96.

* For requirements of this sign see State Regulations, April 1, 1922, s. 7 [see (13) following].

† For the markings prescribed by the State Department of Public Health, see Reg., July 11, 1922 [see (14) following].

(11)

Certain Eggs When Deposited in Cold Storage, Shall be Denatured, and Marked in a Certain Way.

G. L., Ch. 94. SECT. 92. Broken eggs packed in cans, if not intended for food, shall be denatured when deposited in cold storage, and shall be marked by the owner, in accordance with forms prescribed by the department of public health, so as plainly to indicate that they are not to be sold for food.

1912, 652, s. 8.

1917, 149, s. 6.

For penalty see s. 73.

1914, 792, s. 1.

1919, 350, s. 96.

For penalty see G. L. 94, s. 73 [see (9) preceding].

(12)

Selling Certain Kinds of Eggs Forbidden. Using Same in the Preparation of Food Products Forbidden. State Department Shall Enforce This Section.—Penalty.

G. L., Ch. 94. SECT. 92-A. No person shall sell or offer or expose for sale for food purposes, or have in possession with intent to sell for such purposes, eggs which, either before or after removal from the shell, are wholly or partly decayed or decomposed eggs in the fluid state, any part of which is wholly or partly decayed or decomposed, in the fluid state or otherwise, which are mixed with parts of eggs derived from eggs which are wholly or partly decayed or decomposed, or frozen masses of broken eggs, if the mass contains eggs wholly or partly decayed or decomposed, or which are mixed with parts of eggs taken from eggs which were wholly or partly decayed or decomposed; nor shall any person use in the preparation of food products eggs which are wholly or partly decayed or decomposed, or deliver or sell such eggs in or at any establishment where food products are prepared or manufactured or purchase or accept the same in or at any such establishment for use in the preparation of food products; but nothing in this section shall prohibit the purchase, sale or possession for other than food purposes of such eggs. The department of public health shall enforce this section. Violation of any provision of this section shall be punished by a fine of not less than ten nor more than one thousand dollars, or by imprisonment for not less than three months, or both.

1921, 486, s. 23.

See Acts 1913, 655, omitted in the enactment of the General Laws, effective January 1, 1921.

II.

STATE REGULATIONS.

(13)

Rules and Regulations Governing the Business of Cold Storage, made April 1, 1922, by the State Department of Public Health Under G. L., 94, sect. 67.*Food When Placed in Cold Storage Shall When Practicable be Enclosed in Certain Boxes, etc.*

(1) Articles of food intended for cold storage shall, when they are offered for or placed in cold storage, be enclosed in boxes, barrels, crates or other packages sufficiently strong to protect them from injury, unless the articles are of such a character that it is impracticable to pack them in containers.

For penalty see regulation 15 following.

When Food Contained in Packages, Same Shall be Marked with Date of Receipt in Storage. When Not So Contained and Individual Marking Not Practicable, the Food May be Stored in Piles and a Certain Tag Applied. Lettering, etc., Prescribed.

(2) When articles of food contained in packages are placed in cold storage, each package shall be legibly marked in black, purple or red ink as follows: "Received," followed by the day, month and year when such articles were received in storage. When articles of food not contained in packages are placed in cold storage, and it is found to be impracticable to mark each individual article, they may be stored in stacks or piles, and an appropriate tag applied to them indicating the date on which they were received in cold storage. All letters and figures must be in plain type not less than three-eighths of an inch in height. The word Received may be written "Rec'd" and figures separated by hyphens may be used to indicate dates and will be regarded as sufficient date if following the word "Rec'd." The last two figures of the number indicating the year when such foods were placed in storage may be used, *e. g.* "Received September 1, 1912," may be written, "Rec'd 9-1-12."

For penalty see regulation 15 following.

When Food in Storage Twelve Months, Custodian Shall Report to State Department and Such Food Shall Not be Removed Until Released by State. When Date of Previous Storage Outside State Cannot be Ascertained, Food May be Received in Storage Temporarily and Depositor Shall Notify State Department Which May Grant Permission to Keep Same in Storage. When Food Appears to Have Been Previously in Storage but Does Not Bear Date of Same, Warehouse May Receive Same Temporarily but Shall Notify the State Department.

(3) * When articles of food have been kept in cold storage for twelve months, report of such fact shall be made to the (state) department of public health by the person having the custody of such articles, and such articles shall not be removed from cold storage by the owners until they have been inspected by the agents of the (state) department of public health, and released by order of the department. Articles of food which have been in cold storage without this Commonwealth, the date of original storage of which cannot be ascertained, may be placed temporarily in cold storage, and the depositor thereof shall immediately notify the (state) department of public health, and shall request permission to keep such articles for a definite period less than twelve calendar months. On receipt of this request, the articles will be examined and if found to be in satisfactory condition, permission to retain such articles in storage may be granted. Cold storage warehouses receiving articles of food which appear to have been previously in cold storage and not bearing any date of original storage may temporarily place such articles in cold storage and shall immediately notify the department of public health of such action.

For penalty see regulation 15 following.

Warehouse Men Shall Notify Owners of Food in Storage When Such Articles in Storage Twelve Months Lacking Fifteen Days.

(4) * For the purpose of facilitating the removal of articles of food from cold storage before the expiration of the statutory period of twelve calendar months, persons operating cold-storage warehouses shall notify the owners of all articles of food stored by them of the date when such articles will have been in storage twelve months, at least fifteen days before such twelve months have elapsed.

For penalty see regulation 15 following.

Requests for Permission to Store Longer than Twelve Months, How Made and When. Inspection by Agents of State Required Before Granting.

(5) * Requests for permission to store food for a longer period than twelve calendar months must be made by the owners thereof to the (state) department of public health, upon blanks which will be furnished by the department upon application. No such request will be considered by the department unless a satisfactory reason, stating why such an extension of storage is desired, is given.

FOOTNOTE.—Sections marked with * have no reference to local boards of health.

Before such requests are granted the articles of food to which they refer must be inspected by agents of the department. Requests should therefore be made at least two weeks before the statutory time limit for storage has expired.

Certain Foods Not to be Considered as Being Held in Cold Storage.

(6) Articles of food which are held at low temperatures for temporary protection only, for periods less than thirty days, will not, for the purposes of this act, be regarded as being held in cold storage, and such articles need not be dated, but such articles shall as far as practicable be kept separate from articles intended for cold storage.

The Sign Required by Section 72 Shall be Printed in Certain Type, etc. Posted in a Conspicuous Place, and have no Other Lettering Attached.

(7) The sign "Cold Storage Goods Sold Here," required by section 72, chapter 94, General Laws, shall be printed in type not less than two inches in height, printed in black on a white background, and said sign shall be posted in a conspicuous place in all places where uncooked cold-storage goods are kept or offered for sale, no other lettering to appear on or to be attached to this sign.

For penalty see section 15 following, also G. L. 94 [s. 73 see (9) preceding].

Broken Eggs not Intended for Food Shall, if Packed in Barrels, Have a Certain Label on Side of Same. Lettering prescribed. Same Required for all Crates Containing More than a Single Can.

(8) Broken eggs, packed in barrels, kegs, cans or any other container, if not intended for use as food, shall be marked by the owner when deposited in cold storage with a stamp or label reading "Not for Food" on the side of the body of the container. The words "Not for Food" shall be indicated in letters not less than three-eighths of an inch in height, and a similar stamp or label shall be placed upon the side of any crate or other package containing more than a single can.

For penalty see regulation 15 following.

Floors, etc., of Cold Storage Warehouses shall be Kept Clean, etc. and Food Protected from Flies, Dust, etc.

(9) The floors, halls, walls, ceilings, furniture, receptacles, implements and machinery of every cold-storage or refrigerating warehouse shall be kept in a clean, healthful and sanitary condition; and, for the purpose of this rule, unclean, unhealthful or unsanitary conditions shall be deemed to exist if the food stored is not securely protected from flies, dust, dirt, insects and from all foreign or injurious contamination.

For penalty see regulation 15 following.

Toilet Rooms shall be Separate from Storage Rooms. Cuspidors to be Washed Daily.

(10) Toilet rooms shall be separate and apart from the rooms in which food is stored; cuspidors for the use of employees must be washed daily with disinfectant solution.

For penalty see regulation 15 following.

Employment of Any Person Affected with Contagious Disease, Forbidden.

(11) No employer shall knowingly require, permit or suffer any person to work, nor shall any person work, in a cold-storage or refrigerating warehouse who is affected with any infectious or contagious disease.

For penalty see regulation 15 following.

Placing any Materials which are in a State of Decomposition, etc. in the Same Room with Articles for Use as Food, Forbidden.

(12) No material in a state of decomposition or putrefaction, or in any other condition which renders it unfit for use as food, shall be placed in cold storage in the same room or enclosure with articles for use as food.

For penalty see regulation 15 following.

Classification of Foods for Use in Warehouse Men's Quarterly Reports to State.

(13) * Until further notice, the following classification of foods will be used by persons operating cold-storage warehouses and refrigerating plants in making quarterly reports † of articles of food held in cold storage:

Eggs, case	Game
Eggs, broken	Meat, fresh
Butter	Meat, fresh products
Poultry	Fish, fresh food

Manner of Reporting Eggs, etc., Prescribed.

(14) * Shell eggs are to be reported * in terms of cases and dozens, all other articles to be reported as by package or weight, and in so far as the same is practicable, by both package and weight.

Penalty.

(15) Any person, firm or corporation violating any of the provisions of the above rules and regulations shall be subject to a fine not exceeding \$100 for each offence.

(14)

Law and Regulation Adopted July 11, 1922, by the State Department of Public Health Regarding the Sale of Cold Storage Eggs.

Sign Required by Section 91 to be Displayed Among Eggs Offered for Sale Shall be Printed in a Certain Type. No Other Lettering to Appear.

(1) The sign or placard required by section 91 of chapter 94 of the General Laws, to be placed upon or immediately above cold storage eggs, or upon a basket, box or other container in which cold storage eggs are placed, shall consist of the words "Cold Storage Eggs" printed in uncondensed Gothic type, in letters not less than one inch in height, printed in black on a white background, no other lettering to appear on or to be attached to said sign or placard. (This sign or placard to be used only where cold storage eggs are offered or exposed for sale.)

Marking Required by Section 91 to be Placed Upon Container in Which Cold Storage Eggs are Placed for Sale.

(2) The marking required by section 91 of chapter 94 of the General Laws, to be placed upon the container in which cold storage eggs are sold at retail or delivered to the customer, shall consist of the words "Cold Storage Eggs" plainly and conspicuously printed or stamped in letters not less than one inch in height, or, if in letters of uncondensed Gothic type not less than one-half inch in height, no other lettering to appear in connection with the words "Cold Storage Eggs."

See penalty for markings required by G. L. 94, s. 91, to be done in manner approved by State Commissioner of Public Health. See (10) preceding.

References.

The state inspector of fish shall enforce sections 4 to 30, inclusive. G. L., c. 94, s. 81.

Only fish previously graded as "number one fish" or "number two fish," shall be placed in cold storage. G. L., c. 94, s. 77.

Selling fish which have been in cold storage without notifying purchasers to that effect, forbidden, also, without sign marked "Cold Storage Fish." G. L., c. 94, s. 78.

Selling fish at retail more than forty-eight hours after receipt from cold storage forbidden unless received and sold in the frozen state. Exception. G. L., 94, s. 79.

Depositing in cold storage for over six months fish received from outside state and which previously had been in cold storage forbidden unless at time of deposit fish are marked with date of original deposit in cold storage. G. L., 94, s. 80.

FOOTNOTE.— Sections marked with * have no reference to local boards of health.

† For law requiring such reports see (2) preceding.

CHAPTER 8.—FOODS AND BEVERAGES, SANITARY REQUIREMENTS FOR BUSINESS OF PRODUCING OR SELLING.

Sect.

1. Boards of health shall examine into all nuisances, etc., which may be injurious to the public health; shall destroy or prevent same, and shall make regulations for the public health and safety relative thereto. Penalty for violating same.
2. Regulations of the Boston Health Commissioner to procure the production, storage, delivery, offering for sale, sale and distribution of Foods and Beverages in a sanitary and healthful manner.
 1. Persons engaged in business of producing or selling Foods and Beverages shall provide in connection with such business, an adequate supply of running hot and cold water, etc. Proviso.
 2. Such persons shall not use, etc.,

Sect.

- connection with such business, any premises, equipment, etc., that is unclean or unwholesome.
2. 3. Such persons shall not produce or offer for sale any Food or Beverage in an unclean or unwholesome manner.
 4. Such persons shall not keep open or use any unclean premises, equipment, etc., in connection with such business after notice from the Health Commissioner, etc.
 5. Such persons shall not in connection with such business serve or use any cup or glass, etc., which has not been cleansed and sterilized after each use thereof, or which is otherwise unclean.

I.

STATUTES.

(1)

Boards of Health Shall Examine Into All Nuisances, etc., Which May be Injurious to the Public Health; Shall Destroy or Prevent the Same, and Shall Make Regulations for the Public Health and Safety Relative Thereto. Penalty for Violating Same.

G. L., Ch. 111. SECT. 122. The board of health shall examine into all nuisances, sources of filth and causes of sickness within its town, or on board of vessels within the harbor of such town, which may, in its opinion, be injurious to the public health, shall destroy, remove or prevent the same as the case may require, and shall make regulations for the public health and safety relative thereto and to articles capable of containing or conveying infection or contagion or of creating sickness brought into or conveyed from the town or into or from any vessel. Whoever violates any such regulation shall forfeit not more than one hundred dollars.

NOTE.—For citations and decisions under this section see (1) of chap. 14, Part IV. preceding.

II.

REGULATIONS.

(2)

To Procure the Production, Storage, Delivery, Offering for Sale, Sale and Distribution of Foods and Beverages in A Sanitary and Healthful Manner.

June 13, 1921. Whereas, After due examination the Health Commissioner of the city of Boston is of opinion that in connec-

tion with the production, storage, delivery, offering for sale, sale and distribution of foods and beverages, inadequacy of facilities for maintaining cleanliness of premises, equipment and personnel, and particularly inadequacy of facilities for the sterilization of eating utensils that are brought directly into contact with the mouths of consumers; the use of unclean or unwholesome equipment, utensils and receptacles for the production, storage, delivery, offering for sale, sale and distribution of foods and beverages; and the production, storage, delivery, offering for sale, sale and distribution of foods and beverages in an unclean and unwholesome manner, are causes of sickness and are injurious to the public health and safety: Therefore

Ordered: That under authority of General Laws, chapter 111, section 122, the following regulations are hereby made and promulgated:

Persons Engaged in Business of Producing or Selling Foods and Beverages Shall Provide in Connection with Such Business, an Adequate Supply of Running Hot and Cold Water, etc. Proviso.

1. Every person engaged in the business of producing, storing, delivering, offering for sale, selling, or distributing foods and beverages shall provide in connection with such business an adequate and convenient supply of running hot and cold water and all other adequate and convenient facilities, including towels, necessary for the thorough cleansing of the hands of all persons employed on the premises, and also for the thorough cleansing of the premises, and of all equipment, utensils and receptacles, which hands, equipment, utensils and receptacles may come into direct contact with such food and beverages or with ingredients used in the preparation thereof, in the course of the business: provided, that if running water be not available some other water supply shall be provided satisfactory to the Health Commissioner.

Such Persons Shall Not Use, etc., In Connection with Such Business, Any Premises, Equipment, etc., That is Unclean or Unwholesome.

2. No person engaged in the business of producing, storing, delivering, offering for sale, selling or distributing any food or beverage shall use or permit to be used in connection with such business any premises, equipment, utensil, receptacle or anything else that is unclean or unwholesome.

Such Persons Shall Not Produce or Offer for Sale Any Food or Beverage in an Unclean, etc., Manner.

3. No person engaged in the business of producing, storing, delivering, offering for sale, selling or distributing any food or bev-

erage shall produce, store, deliver, offer for sale, sell or distribute such food or beverage in an unclean or unwholesome manner.

Such Persons Shall Not Keep Open or Use Any Unclean Premises, Equipment, etc., in Connection with Such Business, After Notice, etc.

4. No person engaged in the business of producing, storing, delivering, offering for sale, selling, or distributing any food or beverage shall keep open, maintain, operate or use any unclean or unwholesome premises, equipment, utensils or receptacle in connection with such business after reasonable written notice from the Health Commissioner to correct such uncleanliness or unwholesomeness and after failure so to do.

Such Persons Shall Not in Connection with Such Business Serve or Use Any Cup or Glass, etc., Which Has Not Been Cleansed and Sterilized After Each Use Thereof, or Which is Otherwise Unclean.

5. No person engaged in the business of producing, storing, delivering, offering for sale, selling, or distributing any food or beverage shall serve, expose for service or use, or, if he have authority and power to prevent, permit to be served or exposed for service or use for eating or drinking, in connection with the business of offering for sale, selling or distributing foods and beverages, any cup, glass, spoon, fork, knife or other eating or drinking utensil which has been used for eating or drinking and which has not been thoroughly cleansed and sterilized by boiling water or otherwise since such use; or any cup, glass, spoon, fork, knife or other utensil aforesaid which is otherwise unclean.

For penalty, see G. L., c. 111, s. 122, see (1) preceding.

CHAPTER 9.—FOOD AND DRUGS. THE ADULTERATION AND MISBRANDING OF.

Sect.

1. Penalty for manufacturing any article of food or any drug which is adulterated or misbranded or which does not comply with certain rules, regulations and standards.
2. Penalty for delivering or offering to deliver any such article, and for selling or offering to sell the same. Exemption if articles for export.
3. State Department of Public Health and local boards of health shall enforce sections 186 to 195 inclusive. Said State Department shall adopt rules and regulations which shall conform to the rules, etc., adopted by the United States Department of Agriculture.
4. Adulteration defined. A drug shall be deemed adulterated if (1) it is sold under a certain name and falls below standard attached to same, except when standard plainly stated on bottle; or (2) is sold as of a certain standard of strength or purity and falls below same. Confectionery shall be deemed adulterated if it contains any ingredient injurious to health, or any liquor or drug. Food shall be deemed adulterated if (1) any substance which is mixed with it reduces its quality or strength, or (2) it is a substituted article, or (3) has some valuable constituent abstracted, or (4) is colored or coated so as to conceal inferiority, or (5) contains any ingredient injurious to health, except external preservatives may be used in shipments when directions for removing same are printed on package, or (6) is decomposed, or a part of an animal unfit for food, or the product of a diseased animal or of one dying other than by slaughtered, or (7) if the carcass or parts of the carcass of any animal shall be inflated with gas or air.
5. Term "misbranded" shall apply to each drug or article of food, etc., the package or label of which bears any false statement regarding its ingredients; and to any drug or food product falsely branded as to country or state where made. Further applications of term. A drug shall be deemed "misbranded" if (1) it is an imitation, or (2) has been removed from its original package and other contents substituted therefor, or label of package fails to show proportion of alcohol, morphine, etc., contained therein, or (3) its label

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- falsely states its curative effect, etc. Food shall be deemed misbranded if (1) it is an imitation; or (2) is labelled so as to deceive purchaser, or falsely purports to be a foreign product, or has been removed from original package and other contents substituted therefor, or label fails to show proportion of morphine, opium, etc. (exception in case of the repacking of highly perishable foodstuffs); or (3) its label bears any false statement regarding its ingredients. Proviso in case of an article of food not containing any added deleterious ingredient, that it shall not be deemed adulterated or misbranded if a mixture or compound under its own distinctive name and not an imitation provided the name be accompanied on label with statement of place where article made; or if word "compound" "imitation" or "blend" is plainly stated on package (term "blend" defined). Proviso, in case of proprietary foods containing no unwholesome added ingredient, that trade formulas need not be disclosed other than to avoid adulteration or misbranding.
6. Agents of State Department of Public Health and of local boards of health authorized to make collection of samples under certain sections. Data to be noted by such agent when sale from original package, etc., samples shall be collected in duplicate and each part labelled with identifying marks. One part to be delivered to seller, or if guaranteed, to be sent to guarantor; the other part shall be sent to collector's laboratory. Sealing of samples. Procedure when impracticable to divide sample.
 7. Whoever exposes for sale any drug of food, shall upon application of certain agents and tender of the value thereof, furnish a sample sufficient for the analysis of such drug or food. Penalty.
 8. Analysis of samples of foods and drugs shall be made under direction of department or board taking sample; and if sample found to be adulterated or misbranded within meaning of certain sections, the state commissioner or local boards need not enter complaint at once, but may in the case of adulteration and shall in the case of misbranding cause notice of finding to be given

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to party from whom sample taken, etc. Hearing. Notice when a party outside state. After hearing, complaint to court may be made by state commissioner or local board. Result of analysis not to be received as evidence if collector neglected to seal and deliver sample.

9. No dealer shall be prosecuted for selling any food or drug in the original unbroken package if guaranteed by wholesaler, etc., not to be adulterated or misbranded. Guaranty shall contain name and address of guarantor who shall be amenable to prosecution. Action when guarantor out of state. State Department to adopt regulations which shall be observed by department and by local boards of health in ascertaining sufficiency of guaranty. Exception.
10. When guarantor resides out of state, the person from whom sample was taken may be prosecuted for any subsequent sale after being notified of particulars of adulteration or misbranding and that the facts have been presented to the federal authorities. Penalty. When the State Department or the Board of Health of certain cities find certain cases of adulteration, the state department, after notice to the guarantor and an opportunity for him to be heard has been given, may cause the facts to be published in its monthly bulletin, etc., warning all dealers to desist from further sale of such articles. Penalty for sale after such warning.
11. When construing certain sections, the acts, etc., of agents, etc., of any individual or corporation, etc., within the scope of their office, shall be deemed also the acts of such corporation, etc.
12. Any change in the standard of any drug shall be published before any prosecution relative thereto can be maintained.
13. Rules and regulations of the State Department of Public Health made under the provisions of section 192 General Laws, chapter 94. Use of preservatives, etc. Standards.
14. Chocolate in cakes, how stamped.

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15. Quality of chocolate defined. Box containing chocolate. How branded.
16. Certain chocolate offered for sale may be seized and libelled.
17. Sausage shall be deemed to be adulterated if containing (1) more than 2 per cent of any cereal, etc., or (2) any coloring matter, etc., injurious to health; or (3) more than a certain amount of water, or (4) certain organs except as casing; or (5) any diseased, etc., substance or any substance produced, etc., in a way that would render it diseased, etc., or if it is the product of a diseased animal, or one who has died otherwise than by slaughter.
18. Nothing in chapter 94 shall prevent the sale etc. of certain vegetable sausages if sold under own name. Selling sausages made contrary to above section prohibited. Penalty.
19. Offering for sale canned articles of food prohibited unless plainly marked with certain information.
20. All canned articles of food which have been prepared in a certain way shall be plainly marked "soaked." All cans, jugs, etc., containing molasses shall be plainly marked with certain information.
21. Penalty for falsely stamping; etc. any can, etc., containing food, etc., or for violating two preceding sections or sells, etc., any meat, etc., and falsely represents the same to be Kosher, etc.
22. Penalty for adulterating for the purpose of sale, any liquor used for drink with indian cockle or any other substance injurious to health, and for knowingly selling same.
23. Penalty for distributing, etc., in any public way, etc., any bottle, etc., containing any liquid, medicine, etc., which may be injurious to any person tasting same.
24. Penalty for selling, etc., any article of food or drink, or drug intended for internal use, containing any wood alcohol, etc.
25. Penalty for selling any candy containing more than one per cent of alcohol.

I.

STATUTES.

(1)

Penalty for Manufacturing Any Article of Food or Any Drug Which is Adulterated or Misbranded or Which Does Not Comply With Certain Rules, Regulations and Standards.

G. L., Ch. 94. SECT. 190. Whoever manufactures any article of food or any drug which is adulterated or misbranded within the meaning of sections 186

and 187, or which does not comply with the rules, regulations and standards provided in sections 186 to 195, inclusive, shall be punished by a fine of not less than fifteen nor more than five hundred dollars or by imprisonment for not more than six months.

1882, 263, s. 1.

R. L., 75, s. 16.

1917, 208, ss. 1, 12.

1897, 344, s. 1.

1903, 367.

(2)

Penalty for Delivering or Offering to Deliver Any Such Article and for Selling or Offering to Sell the Same. Exemption if Articles for Export.

G. L., Ch. 94. SECT. 191. Except as otherwise provided in sections 186 to 196, inclusive, whoever for pay or otherwise delivers or offers to deliver to any person any article of food or drug adulterated or misbranded, or which does not comply with the rules, regulations and standards provided for in sections 186 to 195, inclusive, and whoever sells or offers for sale any such article shall in the case of misbranding be punished by a fine of not more than two hundred dollars, and shall in the case of adulteration be punished by a fine of not less than twenty-five nor more than two hundred dollars; but no article shall be deemed misbranded or adulterated under sections 186 to 195, inclusive, if it is intended for export to any foreign country and is prepared or packed according to the specifications or directions of the foreign purchaser; provided, that no substance is used in the preparation or packing thereof in violation of the law of the foreign country to which the article is intended to be shipped; but if the article is sold or offered for sale for domestic use or consumption then it shall not be exempt from said sections.

1917, 208, ss. 2, 13

(3)

State Department of Public Health and Local Boards of Health Shall Enforce Sections 186 to 195, Inclusive. Said State Department Shall Adopt Rules and Regulations Which Shall Conform to the Rules, etc. Adopted by the United States Department of Agriculture.

G. L., Ch. 94. SECT. 192. The department of public health and local boards of health shall enforce sections 186 to 195, inclusive, and, except as to standards fixed by law, the said department shall adopt rules and regulations, consistent with said sections, standards, tolerances and definitions of purity or quality, conforming to the rules and regulations, standards, tolerances and definitions of purity or quality adopted or that may hereafter be adopted for the enforcement of the act of congress approved June 30, 1906, and the amendments thereof, the said act being entitled, "An Act for preventing the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein and for other purposes," or now or hereafter adopted by the United States department of agriculture under any other federal law.

1917, 208, ss. 3, 13

1919. 350, s. 96

(4)

Adulteration Defined.

G. L., Ch. 94. SECT. 186. (As amended Acts 1923, Ch. 166.) For the purposes of sections 186 to 195, inclusive, an article shall be deemed to be adulterated:

A Drug Shall be Deemed Adulterated if (1) it is Sold Under a Certain Name and Falls Below Standard Attached to Same, Except When Standard Plainly Stated on Bottle; or (2) is Sold as of a Certain Standard of Strength or Purity and Falls Below Same.

In the Case of a Drug.—First, if a drug sold under or by a name recognized in the United States pharmacopeia or national formulary differs from the standards of strength, quality or purity, as determined by the test, if any, laid down in the United States pharmacopeia or national formulary official at the time of investigation; provided, that no drug defined in the United States pharmacopeia or national formulary shall be deemed to be adulterated hereunder if the standard of strength, quality or purity thereof is plainly stated upon the bottle, box or other container thereof delivered to the customer, although such standard may differ from that determined by the test, if any, laid down in the United States pharmacopeia or national formulary. Second, if its strength or purity falls below the professed standard or quality under which it is sold.

Confectionery Shall be Deemed Adulterated if it Contains Any Ingredient Injurious to Health, or Any Liquor or Drug.

In the Case of Confectionery.—If it contains terra alba, barytes, paraffin tale, chrome yellow or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

Food Shall be Deemed Adulterated if (1) Any Substance Which is Mixed with it Reduces its Quality or Strength, or (2) it is a Substituted Article, or (3) Has Some Valuable Constituent Abstracted, or (4) is Colored or Coated so as to Conceal Inferiority, or (5) Contains Any Ingredient Injurious to Health, Except External Preservatives may be Used in Shipments When Directions for Removing Same are Printed on Package, or (6) is Decomposed, or a Part of an Animal Unfit for Food, or the Product of a Diseased Animal or of One Dying Other Than by Slaughter.

In the Case of Food.—First, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. Second, if any substance has been substituted wholly or in part for the article. Third, if any valuable constituent of the article has been wholly or in part abstracted. Fourth, if it is mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed. Fifth, if it contains any added poisonous or other deleterious ingredient which may render such article injurious to health; provided, that when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative are printed on the covering of the package, sections one hundred and eighty-six to one hundred and ninety-five, inclusive, shall be construed as applying only when said products are ready for consumption. Sixth, if it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal which is unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter. Seventh, if the carcass or parts of the carcass of any animal shall be inflated with gas or air.

1882, 263, s. 3.
1884, 289, ss. 5, 7.
1897, 344, s. 3.

1901, 341.
R. L., 75, s. 18.
1910, 528, s. 1.

1913, 265, s. 272.
1917, 208, ss. 7, 12.
217 Mass. 432.

(5)

Term "Misbranded" Shall Apply to Each Drug or Article of Food, etc. The Package or Label of Which Bears Any False Statement Regarding Its Ingredients; and to Any Drug or Food Product Falsely Branded as to Country or State Where Made.

G. L., Ch. 94. SECT. 187. The term "misbranded" as used in sections 186 to 195, inclusive, shall apply to each drug, or article of food, or article which enters into the composition of food, the package or label of which bear any statement, design or device regarding such article or the ingredients or substance contained therein, which is false or misleading in any particular, and also to any food or drug product which is falsely branded as to the state or country where it was manufactured or produced.

Further Applications of Term. A Drug Shall be Deemed "Misbranded" if (1) it is an Imitation, or (2) Has Been Removed from its Original Package and Other Contents Substituted Therefor, or Label of Package Fails to Show Proportion of Alcohol, Morphine, etc., Contained Therein, or (3) its Label Falsely States its Curative Effect, etc.

For the purpose of said sections an article shall also be deemed to be misbranded:

In the Case of a Drug.—First, if it is an imitation of or offered for sale under the name of another article. Second, if the contents of the package as originally put up have been removed, in whole or in part, and other contents placed therein, or if the package fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, codeine, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any such substance contained therein. Third, if its package or label bears or contains any false and fraudulent statement, design or device regarding the curative or therapeutic effect of such article, or of any of the ingredients or substances contained therein.

Food Shall be Deemed Misbranded if (1) it is an Imitation; or (2) is Labeled so as to Deceive Purchaser, or Falsely Purports to be a Foreign Product, or Has Been Removed from Original Package and Other Contents Substituted Therefor, or Label Fails to Show Proportion of Morphine, Opium, etc. (Exception in Case of the Repacking of Highly Perishable Foodstuffs); or (3) its Label Bears Any False Statement Regarding its Ingredients.

In the Case of Food.—First, if it is an imitation of or offered for sale under the distinctive name of another article. Second, if it is labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so, or if the contents of the package as originally put up have been removed in whole or in part, and other contents placed therein, or if it fails to bear a statement on the label of the quantity or proportion * of any morphine, opium, codeine, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substance, contained therein; provided, that nothing in this paragraph shall apply to the repacking of highly perishable foodstuffs, such as fresh fruit, fresh vegetables or eggs. Third, if the package containing it or its label bears any statement, design or device regarding the ingredients or the substances contained therein which is false or misleading in any particular:

Provido in Case of an Article or Food Not Containing Any Added Deleterious Ingredient, That is Shall Not be Deemed Adulterated or Misbranded if a Mixture or Compound Under its Own Distinctive Name and Not an Imitation, Provided the Name be Accompanied on Label with Statement of Place Where Article Made; or if Word "Compound," "Imitation" or "Blend" is Plainly Stated on Package. (Term "Blend" Defined.)

provided, that an article of food which does not contain any added poisonous

* See G. L., c. 94, s. 184A (added by Acts 1921, c. 486, s. 25) relative to the labeling of packages, etc., holding any proprietary or patent medicine, or proprietary or patent food preparation containing alcohol, etc., and enforceable by the state director of standards.

or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases: First, in the case of articles which are mixtures or compound which are now or hereafter may be known as articles of food under their own distinctive names and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article was manufactured or produced. Second, in the case of articles labeled, branded or tagged so as to indicate plainly that they are compounds, imitations, or blends, if the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale; provided, that the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purposes of coloring and flavoring only;

Proviso, in Case of Proprietary Foods Containing No Unwholesome Added Ingredient, That Trade Formulas Need Not be Disclosed Other Than to Avoid Adulteration or Misbranding.

and provided, that nothing in sections 186 to 195, inclusive, shall be construed as requiring and compelling proprietors or manufacturers of proprietary food which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as any provisions of said section may require in order to secure freedom from adulteration or misbranding.

1901, 396, ss. 1-3, 5.

1906, 386, s. 2.

1917, 208, ss. 8, 12.

R. L. 75, s. 19.

1907, 259, s. 3.

3 Op. A. G. 180.

(6)

Agents of State Department of Public Health and of Local Boards of Health Authorized to Make Collection of Samples Under Certain Sections. Data to be Noted by Such Agent When Sale From Original Package, etc. Samples Shall be Collected in Duplicate and Each Part Labeled With Identifying Marks. One Part to be Delivered to Seller, or if Guaranteed, to be Sent to Guarantor: The Other Part Shall be Sent to Collector's Laboratory. Sealing of Samples. Procedure When Impracticable to Divide Sample.

G. L., Ch. 94. SECT. 188. The collection of samples under sections 186 to 195, inclusive, and 304 may be made by authorized agents of the (state) department of public health or of boards of health of towns. Samples may be purchased in the open market, and if in bulk and the sample is taken from the original package, carton, wrapper or other container in the presence of such authorized agent, the marks, brands or tags upon such container, and the accompanying printed or written matter shall be noted by such agent, who shall also note the name of the vendor by whom the sale was made, together with the date of the purchase. If practicable, samples shall be collected in duplicate, or divided into two substantially equal parts, and each part shall be labeled with identifying marks. One of such parts or samples shall be delivered to the person from whom they were taken, or, if a guaranty had been given, such part or sample shall be sent to the guarantor. The other part or sample shall be sent to the laboratory of the department or board taking the sample, if said board maintains a laboratory. Parts of samples divided as hereinbefore provided shall be sealed by said agent, at the time of the taking thereof, as provided by the regulations * of the (state) department of public health, with a seal provided for that purpose. Whenever it is impracticable either to collect more than one sample or to divide the same,

* Samples left with the person from whom they were taken may be sealed with sealing wax, or may be sealed with an adhesive paper seal, or may be wrapped in paper and the paper sealed with wax, or with an adhesive paper seal. The inspector may seal the samples intended for delivery to the analyst with an adhesive paper seal. Regulations of the State Department of Public Health.

such sample shall be sent to the laboratory of the department or board taking the sample, if said board maintains a laboratory.

1884, 289, s. 8.

1910, 416, s. 1.

1917, 208, ss. 4, 12.

R. L. 75, s. 21.

1914, 792, s. 1.

1919, 350, s. 96.

(7)

Whoever Exposes for Sale any Drug or Food shall, upon Application of Certain Agents and Tender of the Value Thereof, Furnish a Sample Sufficient for the Analysis of Such Drug or Food. Penalty.

G. L., Ch. 94. SECT. 304. Whoever offers or exposes for sale or delivers to a purchaser any drug or article of food, shall, upon application of an inspector, analyst or other officer or agent of the department of public health* and upon tender of the value thereof, furnish a sample sufficient for the analysis of any such drug or article of food which is in his possession. Violation of this section shall be punished by a fine of not less than twenty-five nor more than five hundred dollars.

1882, 263, s. 6.

1914, 792, s. 1.

1921, 486, s. 27.

R. L. 75, s. 20.

1919, 350, s. 96.

(8)

Analysis of Samples of Foods and Drugs Shall be Made Under Direction of Department or Board Taking Sample; and if Sample Found to be Adulterated or Misbranded Within meaning of Certain Sections, the State Commissioner or Local Boards Need not Enter Complaint at Once, But May in the Case of Adulteration and Shall in the Case of Misbranding Cause Notice of Finding to be Given to Party From Whom Sample Taken, etc. Hearing. Notice When a Party Outside State. After Hearing, Complaint to Court May be Made by State Commissioner or Local Board. Result of Analysis Not to be Received as Evidence if Collector Neglected to Seal and Deliver Sample.

G. L., Ch. 94. SECT. 189. Examination of samples of food and drugs in order to determine by analysis or test whether such articles are adulterated or misbranded within the meaning of sections 186 to 195, inclusive, shall be made under the direction and supervision of the (state) department or board taking such samples as provided in section 188; and if it shall appear from such examination that any of the samples are so adulterated or misbranded, the (state) commissioner of public health or the local board of health need not cause formal complaint to be entered at once, but shall in the case of misbranding and may in the case of adulteration, cause reasonable notice thereof, together with a copy of the findings, to be given to the party from whom the sample was obtained, to the guarantor, if any, and to the party, if any, whose name appears upon the label as manufacturer, packer, producer, wholesaler retailer or other dealer. Before any formal complaint is entered, any person so notified shall be given an opportunity to be heard before any person designated † by the (state) commissioner of public

* Includes also authorized agents of local boards of health, see (6) preceding.

† The Director of the State Food and Drug Division, and in his absence the Senior Assistant Analyst of the Food and Drug Division, is authorized to conduct on the part of the State Department of Public Health such hearings as may be given under the provisions of above section. The hearings given under this section by local boards of health may be conducted by any employee designated by the board under whose direction the hearing is held. Regulation of the State Department of Public Health.

health or local board of health taking the sample, under such rules and regulations as the (state) department of public health prescribes. Such notice shall specify the date, hour and place of hearing, and the parties interested therein may appear in person or by attorney. If it is decided that the party whose name appears upon the label, or the guarantor, shall be notified, and such party or guarantor resides without the commonwealth, the notice shall be sent by mail at such address as, with due diligence, may be obtained. If after such opportunity to be heard it appears that any provision of section 186 to 195, inclusive, has been violated, the (state) department of public health or local board of health may make or authorize to be made a formal complaint to a court or justice having jurisdiction in such cases, but no evidence of the result of such analysis or test shall be received if the agent described in section 188 has refused or neglected to seal and deliver the sample, or part thereof, as provided in section 188.

1910, 416, s. 1.

1917, 208, ss. 5, 12, 13.

1919, 350, s. 96.

(9)

No Dealer Shall be Prosecuted for Selling any Food or Drug in the Original Unbroken Package if Guaranteed by Wholesaler, etc. Not to be Adulterated or Misbranded. Guaranty Shall Contain Name and Address of Guarantor Who Shall be Amenable to Prosecution. Action When Guarantor Out of State. State Department to Adopt Regulations Which Shall be Observed by Department and by Local Boards of Health in Ascertaining Sufficiency of Guaranty. Exception.

G. L., Ch. 94. SECT. 193. Except as provided in the following section, no dealer shall be prosecuted under sections 186 to 195, inclusive, for selling or offering for sale any article of food or drug in the original unbroken package in which it was received by him, if he can establish a guaranty by the wholesaler, jobber, manufacturer or other person residing in the United States, from whom he purchased the article, to the effect that the same is not adulterated or misbranded within the meaning of the laws of the commonwealth. Such guaranty, to afford protection, shall contain the name and address of the person making the sale of this article to the dealer, and in that case such person shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under sections 186 to 195, inclusive. If it shall appear that any provision of said sections has been violated, and the party giving said guaranty is without the commonwealth, no action shall be brought except as is provided therein, but the (state) department of public health or the local board taking the sample shall present the facts to the proper national authorities for action.

Under the authority given by section 192 the (state) department of public health shall adopt rules and regulations * which shall be observed by the said department and by local boards of health in ascertaining whether there is such a guaranty which may be relied upon by the dealer.

1907, 259, s. 2.

1914, 792, s. 1.

1919, 350, s. 96.

1911, 283, s. 1.

1917, 208, ss. 9, 12.

* Each guaranty to afford protection shall be signed by, and shall contain the name and address of the person making the sale of the articles covered by it, and shall be to the effect that such articles are not adulterated or misbranded. Each guaranty in respect to any articles should be incorporated in, or attached to, the bill of sale, bill of lading, or other schedule, giving the name and quantities of the articles sold, and should not appear on the labels or packages. Regulations of the State Department of Public Health.

(10)

When Guarantor Resides Out of State, the Person from Whom Sample Was Taken May be Prosecuted for any Subsequent Sale After Being Notified of Particulars of Adulteration or Misbranding and That the Facts Have Been Presented to the Federal Authorities. Penalty.

G. L., Ch. 94. SECT. 194. After a sample of an article of food which is adulterated or misbranded has been taken from a person who establishes a guaranty, as provided in the preceding section, and the guarantor resides without the commonwealth, the dealer may nevertheless be prosecuted for a subsequent sale of such adulterated or misbranded article; provided, that the department of public health or local board which took the sample has presented the facts to the proper national authorities for their action, that the person from whom the sample was taken has been notified by said department or board that the facts have been so presented, and that such person continues to sell such articles after he has been notified by said department or board as to the particulars of the adulteration or misbranding and warned to desist from further sales or distribution of the article. Upon conviction in any such case the penalties provided in section 191 may be imposed.

When State Department or the Board of Health of Certain Cities Find Certain Cases of Adulteration, the State Department, After Notice to the Guarantor and an Opportunity for Him to be Heard Has Been Given, May Cause the Facts to be Published in its Monthly Bulletin, etc., Warning All Dealers to Desist from Further Sale of Such Articles. Penalty for Sale After Such Warning.

In case of adulteration, if the (state) department of public health or a board of health in a city having a population exceeding one hundred thousand, finds that the same when analyzed is plainly a gross violation of any of sections 186 to 195, inclusive, or that the article is distinctly injurious to the health of the community, even though the case has not as yet been adjudicated, said (state) department may cause notice of these facts to be published in its monthly bulletin and in such other ways as it establishes by rules and regulations; provided, that the guarantor has been notified and has been afforded an opportunity to be heard as provided in section 189. Said notice shall contain a warning to all dealers to desist from further sale or distribution of such article. Whoever sells such article after said notice and warning shall be amenable, for each subsequent sale, to the penalties provided in section 191.

1917, 208, ss. 10, 13.

1919, 350, s. 96.

(11)

When Construing Certain Sections, the Acts, etc., of Agents, etc., of Any Individual or Corporation, etc., Within the Scope of Their Office, Shall be Deemed also the Acts of Such Corporation, etc.

G. L., Ch. 94. SECT. 195. When construing and enforcing sections 186 to 195, inclusive, the act, omission or failure of any officer, agent or other individual acting for or employed by any individual, corporation, company, society or association within the scope of his employment or office, shall in each case be also deemed the act, omission or failure of such corporation, company society or association as well as that of the individual.

1919, 208, ss. 11, 13.

(12)

Any Change in the Standard of Any Drug Shall be Published Before Any Prosecution Relative Thereto can be Maintained.

G. L., Ch. 94. SECT. 196. If the standard of strength or purity of any drug has been raised since the issue of the last edition of the United States pharmacopeia or national formulary, no prosecution relative to it shall be maintained until after such change of standard has been published throughout the commonwealth.

1882, 263, s. 4. 1884, 289, s. 5. R. L. 75, s. 27.

(13)

Rules and Regulations of the State Department of Public Health Made Under the Provisions of Section 192, General Laws, Chapter 94.*Use of Preservatives, etc.*

The presence of sulphur dioxide and compounds thereof in food must be stated upon the label of each package sold or offered for sale.

The presence of benzoic acid and compounds thereof in food must be stated upon the label of each package sold or offered for sale.

Coal tar colors duly certified, as provided by the regulation of the United States Department of Agriculture, may be used for coloring foods.

The sale, manufacturing for sale, of foods containing saccharine is hereby prohibited, except such foods that may be prepared under the direction of a physician for the exclusive use of persons suffering from disease.

The sale, manufacturing for sale, or offering for sale, of foods greened with copper is hereby prohibited.

The sale, manufacturing for sale, or offering for sale, of foods containing compounds of boron, salicylic acid and its compounds, or formaldehyde is hereby prohibited.

The sale of shellfish taken from polluted areas, or shellfish which upon bacteriological examination show evidence of having been taken from polluted areas is hereby prohibited.

Only common or ethyl alcohol is permissible in the manufacture of drugs, except as specified in the United States Pharmacopeia, or in the national formulary.

The sale of citrus fruits which have been colored by holding in a warm moist atmosphere after removal from the trees is hereby prohibited.

For penalty for any violation of above regulations, see G. L., c. 94, s. 190 [see (1), preceding].

In General.

Butter shall contain less than 16 per cent of water and not less than 80 per cent of milk fat.

Renovated butter shall contain less than 16 per cent of water, and not less than 80 per cent of milk fat.

Cheese shall contain not less than 50 per cent of milk fat in the water-free substance.

Skimmed milk cheese may contain less than 50 per cent of milk fat in the water-free substance.

Condensed milk, evaporated milk, shall contain not less than 25.5 per cent of milk solids, and not less than 7.8 per cent of milk fat.

Sweetened condensed milk, sweetened evaporated milk, shall contain not less than 28 per cent of milk solids, and not less than 8 per cent of milk fat.

Condensed skimmed milk, evaporated skimmed milk, shall contain not less than 20 per cent of milk solids.

Sweetened condensed skimmed milk, sweetened evaporated skimmed milk, shall contain not less than 28 per cent of milk solids.

Dried milk shall contain not less than 26 per cent of milk fat, and not more than 5 per cent of moisture.

Dried skimmed milk shall contain not more than 5 per cent of moisture.

Malted milk shall contain not less than 7.5 per cent of butter fat, and not more than 3.5 per cent of moisture.

Standards.

Sweet cocoa, sweetened cocoa, is cocoa mixed with not more than 60 per cent of sugar (sucrose).

Milk chocolate, milk cocoa, sweet milk chocolate, or sweet milk cocoa, respectively, is chocolate, cocoa, sweet chocolate, or sweet cocoa which contains not less than 12 per cent of whole milk solids in the finished product.

Canned fruit is the sound product made by sterilizing clean, sound, properly matured and prepared fresh fruit, by heating with or without sugar (sucrose) and spices, and keeping in suitable, clean, hermetically sealed containers, and conforms in name to the fruit used in its preparation.

Preserve is the sound product made from clean, sound, properly matured and prepared fresh fruit and sugar (sucrose) sirup, with or without spices or vinegar, and conforms in name to that of the fruit used, and in its preparation not less than 45 pounds of fruit are used to each 55 pounds of sugar.

Honey preserve is preserve in which a glucose product is used in place of sugar (sucrose) sirup.

Jam, marmalade, is the sound product made from clean, sound, properly matured and prepared fresh fruit and sugar (sucrose), with or without spices or vinegar, by boiling to a pulpy or semi-solid consistence, and conforms in name to the fruit used, and in its preparation not less than 45 pounds of fruit are used to each 55 pounds of sugar.

Glucose jam, glucose marmalade, is jam in which a glucose product is used in place of sugar (sucrose).

Fruit butter is the sound product made from fruit juice and clean, sound, properly matured and prepared fruit, evaporated to a semi-solid mass of homogeneous consistence, with or without the addition of sugar and spices or vinegar, and conforms in name to the fruit used in its preparation.

Glucose fruit butter is fruit butter in which a glucose product is used in place of sugar (sucrose).

Jelly is the sound, semi-solid, gelatinous product made by boiling clean, sound, properly matured and prepared fresh fruit with water, concentrating the expressed and strained juice, to which sugar (sucrose) is added, and conforms in name to the fruit used in its preparation.

Glucose jelly is jelly in which a glucose product is used in place of sugar (sucrose).

Table salt, dairy salt, is fine-grained, crystalline salt containing, on a water-free basis, not more than 1.4 per cent of calcium sulphate (CaSO_4), nor more than .5 per cent of calcium and magnesium chlorids (CaCl and Mg Cl_2), nor more than .1 per cent of matters insoluble in water.

Diabetic food shall contain not more than half as much glycogenic carbohydrates as the normal food of the same class.

Ground gluten shall be nearly free from starch, and shall contain not more than 10 per cent of moisture, and, calculated on the water-free basis, not less than 14.2 per cent of nitrogen, not more than 15 per cent of nitrogen-free extract (using the protein factor 5.7), and not more than 5.5 per cent of starch (as determined by diastase method).

Gluten flour shall contain not more than 10 per cent of moisture, and, calculated, on the water-free basis, not less than 7.1 per cent of nitrogen, not more than 56 per cent of nitrogen-free extract (using the protein factor 5.7), and not more than 44 per cent of starch (as determined by the diastase method).

Molasses shall contain not more than 25 per cent of water, and not more than 5 per cent of ash.

Refiners' sirup, treacle, shall contain not more than 25 per cent of water, and not more than 8 per cent of ash.

Sugar-cane sirup shall contain not more than 30 per cent of water, and not more than 2.5 per cent of ash.

Maple sirup shall contain not more than 35 per cent of water, and shall weigh not less than 11 pounds to the gallon of 231 cubic inches.

Sugar sirup shall contain not more than 35 per cent of water.

Noodles, egg noodles, are dried alimentary pastes made from wheat flour and egg. They shall contain not less than 5 per cent by weight of the solids of whole, sound egg, exclusive of the shell.

Plain noodles, water noodles, are dried alimentary pastes made from wheat flour without egg, or with less than 5 per cent by weight of the solids of whole, sound egg, exclusive of the shell.

Macaroni, spaghetti, vermicelli, shall contain not more than 13.5 per cent of moisture.

Almond extract shall be free from hydrocyanic acid, and shall contain not less than 1 per cent by volume of oil of bitter almonds.

Lemon extract shall contain not less than 5 per cent by volume of oil of lemon.

Orange extract shall contain not less than 5 per cent by volume of oil of orange.

Peppermint extract shall contain not less than 3 per cent by volume of oil of peppermint.

Wintergreen extract shall contain not less than 3 per cent by volume of oil of wintergreen.

Vanilla extract shall contain the soluble matters from not less than 10 grams of vanilla bean in 100 cubic centimeters of the extract.

For penalty for any violation of above regulations see G. L., c. 94, s. 190 [see (1), preceding].

(14)

Chocolate in Cakes. How Stamped.

G. L., Ch. 94. SECT. 93. Chocolate in cakes shall be made in pans into which shall be stamped the name of the manufacturer, the town where he resides, the quality of the chocolate in letters and figures, No. 1, No. 2, or No. 3, as the case may be, and the letters Mass.

1802, 133.

R. S. 28, s. 60.

P. S. 60, s. 8.

1803, 54, s. 1.

G. S. 49, s. 24.

R. L. 57, s. 8.

(15)

Quality of Chocolate Defined. Box Containing Chocolate, How Branded.

G. L. 94. SECT. 94. Number one chocolate shall be made of cocoa of the first quality, number two chocolate or cocoa of the second quality, and number three chocolate may be made of the inferior kinds and qualities of cocoa; but each shall be free from adulteration. Each box containing chocolate shall be branded on the end thereof with the word "chocolate," together with the name of the manufacturer of the chocolate, the town where it was manufactured, and its quality as described in this section.

1802, 133.

R. S. 28, s. 61.

P. S. 60, s. 9.

1803, 54, s. 2.

G. S. 59, s. 25.

R. L. 57, s. 9.

(16)

Certain Chocolate Offered for Sale May be Seized and Libeled.

G. L., Ch. 94. SECT. 95. If chocolate manufactured in the commonwealth is offered for sale or found therein and is not of one of the qualities described in the two preceding sections, or is not marked as therein directed, it may be seized and libelled.

1802, 133.

R. S. 28, s. 62.

P. S. 60, s. 10.

1803, 54, ss. 3, 4.

G. S. 49, s. 26.

R. L. 57, s. 10.

(17)

Sausage Shall be Deemed to be Adulterated if Containing (1) More Than 2 Per Cent of Any Cereal, etc., or (2) Any Coloring Matter, etc., Injurious to Health; or (3) More Than a Certain Amount of Water, or (4) Certain Organs Except as Casing; or (5) Any Diseased, etc., Substance, or Any Substance Produced, etc., in a Way That Would Render it Diseased, etc., or if it is the Product of a Diseased Animal, or One Who has Died Otherwise than by Slaughter.

G. L., Ch. 94. SECT. 142. (As amended by Acts 1923, ch. 425, sec. 1.) For the purposes of this and the following section, sausage or sausage meat shall be deemed to be adulterated:

1st. If it contains cereal or vegetable flour or any product thereof in excess of two per cent, except as authorized in section 143A.

2nd. If it contains any coloring matter, or any substance injurious or deleterious to health.

3rd. If it contains water in excess of an amount sufficient to make the product palatable and to facilitate mixing and placing in casings.

4th. If it contains, except as casing, the organs of the thoracic and abdominal cavities or any part thereof, except hearts, tripe and liver.

5th. If it contains any diseased, contaminated, filthy or decomposed substance; or if it is manufactured, in whole or in part from, or contains a substance produced, stored, transported or kept in a way or manner that would render the article diseased, contaminated or unwholesome; or if it is the product of a diseased animal or the product of any animal which has died otherwise than by slaughter.

1898, 193.

1913, 650, ss. 1.

1917, 78.

R. L. 213, s. 9.

1914, 634, ss. 2, 5.

1923, 425, s. 1.

(18)

Nothing in Chapter 94 Shall Prevent Sale, etc., of Certain Vegetable Sausages, If Sold Under Own Name.

G. L., Ch. 94. SECT. 143A. (As enacted by Acts of 1923, Ch. 425, sec. 2.) Nothing in this chapter shall prevent the sale or the offering or exposing for sale of vegetable sausages as such, if such sausages contain not less than twenty per cent of vegetables or vegetable products and are otherwise made in conformity with the provisions of this chapter; provided, that such sausages are sold, offered or exposed for sale under their own distinctive name.

(19)

Selling Sausages Made Contrary to Above Section Prohibited. Penalty.

G. L., Ch. 94. SECT. 143. No person shall sell, offer or expose for sale sausages manufactured contrary to the preceding section or adulterated within the meaning thereof.

Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars.

1898, 193.

R. L. 213, s. 9.

1914, 634, ss. 3, 5.

(20)

Offering for Sale Canned Articles of Food Prohibited Unless Plainly Marked With Certain Information.

G. L., Ch. 94. SECT. 154. Canned articles of food shall not be offered for sale unless marked to indicate the grade or quality thereof and the name and address of the person who packed or sells them.

1897, 344, s. 4.

R. L. 75, s. 22.

(21)

All Canned Articles of Food Which Have Been Prepared in A Certain Way Shall be Plainly Marked " Soaked." All Cans, Jugs, etc., Containing Molasses shall be Plainly Marked With Certain Information.

G. L., Ch. 94. SECT. 155. All canned articles of food which have been prepared from dry products and have been soaked before canning shall be plainly marked by an adhesive label having on its face the word "soaked" in letters of legible type not smaller than two line pica. All cans, jugs and other packages containing molasses shall be plainly marked by an adhesive label having on its face in the English language in letters of the size and description aforesaid the name and address of the person who made and prepared the same together with the name and quality of the ingredients thereof.

1897, 344, s. 5.

R. L. 75, s. 23.

1910, 528, s. 2.

For penalty see G. L., ch. 94, s. 156 [see (22) following].

(22)

Penalty for Falsely Stamping, etc., Any Can, etc., Containing Food, etc., or for Violating Two Preceding Sections or Sells, etc., Any Meat, etc., and Falsely Represents the Same to be Kosher, etc.

G. L., Ch. 94. SECT. 156. Whoever falsely stamps or labels any can, jar or other packages containing fruit or food of any kind, or permits such stamping or labeling, or violates either of the two preceding sections, or sells or exposes for sale any meat or meat preparation and falsely represents the same to be Kosher or as having been prepared in conformity with orthodox Hebrew requirements, or falsely represents any food product or the contents of any package or container to have been so prepared, by having or permitting to be inscribed thereon the word "Kosher" in any language, shall be punished by a fine of not less than twenty-five nor more than five hundred dollars; and whoever knowingly sells such goods so falsely stamped or labeled shall be punished by a fine of not less than ten nor more than one hundred dollars.

1882, 263, s. 7.

1905, 236.

1913, 795.

1897, 344, s. 6.

1906, 305.

1916, 58.

R. L. 75, s. 24.

(23)

Penalty for Adulterating for the Purpose of Sale, Any Liquor Used for Drink with Indian Cockle or Any Other Substance Injurious to Health, and for Knowingly Selling Same.

G. L., Ch. 270. SECT. 1. Whoever, for the purpose of sale, adulterates any liquor used or intended for drink with Indian cockle, vitriol, grains of paradise, opium, alum, cochineal, capsicum, copperas, laurel water, logwood, Brazil wood,

sugar of lead or any other substance poisonous or injurious to health, and whoever knowingly sells any such liquor so adulterated, shall be punished by imprisonment in the state prison for not more than three years; and the articles so adulterated shall be forfeited.

1855, 356.
G. S. 166, s. 4.

P. S. 208, s. 4.
R. L. 213, s. 1.

(24)

Penalty for Distributing, etc., in Any Public Way, etc., Any Bottle, etc., Containing Any Liquor, Medicine, etc., Which may be Injurious to Any Person Tasting Same.

G. L., Ch. 270. SECT. 3. Whoever distributes, delivers or gives away in any public way or from house to house or place to place, any bottle, box, envelope or package containing any liquid, medicine, pill, powder, tablet or other article composed of any drug, poison or other ingredient or substance which may be in any way injurious or harmful to any person who may taste, eat, drink or otherwise use the same, shall be punished by a fine of not less than fifty nor more than one hundred dollars.

1907, 180.

(25)

Penalty for Selling, etc., Any Article of Food or Drink, or Drug Intended for Internal Use, Containing Any Wood Alcohol, etc.

G. L., Ch. 270. SECT. 4. Whoever, himself, or by his servant or agent, or as the servant or agent of another, sells, exchanges, delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, either crude or refined, under or by whatever name or trademark the same may be called or known, shall be punished by a fine of not less than two hundred dollars or by imprisonment for not more than one month, or both.

1905, 220, s. 2.

1910, 541, ss. 2, 3.

(26)

Penalty for Selling Any Candy Containing More than One Per Cent of Alcohol.

G. L., Ch. 270. SECT. 8. Whoever sells to a person any candy enclosing or containing liquid or syrup having more than one per cent of alcohol shall be punished by a fine of not more than one hundred dollars.

R. L. 213, s. 4.

1891, 333.

1913, 647.

CHAPTER 10.

A.—ALCOHOL, METHYL OR WOOD, AND DENATURED.

Sect.

1. Manufacturing, etc. Methyl, wood or denatured alcohol forbidden without license from Board of Health. Registered druggists exempt.
2. Boards of health authorized to issue licenses. Fee. Term. Revocation. Board to keep record.
3. Barrels, etc., shall bear certain labels, and every other container other certain labels. Penalty for selling in containers not so labeled.
4. The offence of unlawful sale of alcohol defined. May be so described in complaint, etc.
5. Penalty.

Sect.

6. Rules, Restrictions and Requirements. Governing the issue of licenses to manufacture, etc., methyl alcohol, etc. Applications. Conditions. Manner of keeping alcohol shall be such as to prevent its sale for use thereof in any unlawful manner. Shall not sell, etc., otherwise than in conformity to law. Indemnity. License and serial numbers.
7. License shall include all of licensee's places of business.
8. Food Inspection Division shall enforce all laws pertaining to the sale of wood alcohol.

STATUTES.

(1)

Manufacturing, etc., Methyl, Wood or Denatured Alcohol Forbidden Without a License from the Board of Health. Registered Druggists Exempt.

G. L., Ch. 138. SECT. 34. No person other than a registered druggist shall engage in the business of manufacturing, buying, selling or dealing in methyl alcohol, or wood alcohol, so called, or denatured alcohol, or any preparation used for manufacturing or commercial purposes which contains more than three per cent of any of the said alcohols and is intended for use other than as a beverage, without being licensed so to do by the board of health of the town where the business is conducted.

1919, 360, s. 1.

For penalty see (5) following.

(2)

Boards of Health Authorized to Issue Licenses. Fee. Term. Revocation. Board to Keep Record.

G. L., Ch. 138. SECT. 35. The board of health of each town may issue licenses under the preceding section, upon the payment of a fee of one dollar, to such persons as it shall find to be properly qualified to carry on the said business. The licenses shall expire on April 30th of each year, and may at any time be suspended or revoked, for cause, by the board. The board shall keep a record of all such licenses.

1919, 360, s. 2.

(3)

Barrels, etc., Shall Bear Certain Labels, and Every Other Container Other Certain Labels. Penalty for Selling in Containers not so Labeled.

G. L., Ch. 138. SECT. 36. Every barrel or keg containing methyl alcohol or wood alcohol, so called, or denatured alcohol containing methyl alcohol, or

any drug or medicine intended for external use containing methyl alcohol, shall bear in capital letters not less than three fourths nor more than one half inches in height, stencilled thereon or printed upon a label affixed thereto, the words "Poison, not for Internal Use." Every other container of any such alcohol, drug or medicine shall bear a label of white paper on which shall be printed in red capital letters not less than one fourth of an inch in height, the words "Deadly Poison," the name and place of business of the vendor, and the statement that he is a registered druggist or the number of his license under the two preceding sections, and in legible type, the words "Not for Internal Use, Causes Blindness. Keep from the Eyes." Whoever, himself or by his servant or agent, sells, exchanges or delivers any such alcohol, drug or medicine in any container not conforming to this section shall be punished by a fine of not less than fifty nor more than two hundred dollars.

1905, 220, s. 1.

1910, 541, s. 1.

1919, 360, s. 3.

1920, 185.

For penalty see (5) following.

(4)

The Offence of Unlawful Sale of Alcohol Defined. May be so Described in Complaint, etc.

G. L., Ch. 138. SECT. 37. The sale of methyl alcohol, wood alcohol, so called, denatured alcohol, or any preparation containing alcohol as described in section thirty-four, by a person not licensed as required by sections thirty-four and thirty-five, or by a licensee to a minor or to any person without reasonable investigation and inquiry to determine that the same is not to be used for drinking purposes, shall constitute the offence of unlawful sale of alcohol and may be described as such in any complaint or indictment without more; but a person so charged shall be entitled to a bill of particulars in accordance with section forty of chapter two hundred and seventy-seven.

(5)

Penalty.

G. L., Ch. 138. SECT. 38. Except as otherwise provided in section thirty-six, violation of any provision of sections thirty-four or thirty-seven, inclusive, shall be punished by a fine of not more than one hundred dollars or by imprisonment in the house of correction for a term not exceeding six months, or both.

1919, 360, s. 5.

Rules of the Boston Health Commissioner.

(6)

Governing the Issue of Licenses to Manufacture, etc., Methyl Alcohol, etc.

Applications.

Sept. 9, 1919. In Health Commissioner, Ordered: (1) No license to manufacture, buy, sell or deal in methyl alcohol or wood alcohol, so called, or denatured alcohol, or any preparation used for manufacturing or commercial purposes which contains more than three per cent of any of the said alcohols and is intended for use other than as a beverage, will be issued unless or until application for such license has been filed on a form provided by the Health Commissioner for that purpose and evidence satisfactory to the Health Commissioner has been submitted to show that the applicant is properly qualified to carry on the business.

Conditions.

(2) Every license issued will be subject to the following conditions:

Manner of Keeping Alcohol Shall be Such as to Prevent Its Sale for Use Thereof in Any Unlawful Manner.

A. The licensee shall be prepared to keep, and at all times shall keep, all wood alcohol and denatured alcohol which are in his possession in such manner as to prevent the barter, sale, removal or distribution for use thereof in any unlawful or unauthorized manner.

Shall Not Sell, etc., Otherwise Than in Conformity to Law.

B. No licensee shall sell, barter, give away or issue any wood alcohol or denatured alcohol, or permit any methyl alcohol, or wood alcohol, so-called, or any preparation used for manufacturing or commercial purposes which contains more than 3 per cent of any of the said alcohols and is intended for use other than as a beverage, or permit any such alcohol or preparation to be sold, bartered, given away or issued, except in conformity to the laws and regulations in force in the City of Boston, or otherwise than in conformity to the conditions appended to his license.

Indemnity.

C. Every licensee shall indemnify and save harmless the City of Boston for any damage it may sustain or be required to pay by reason of the work of the licensee or by reason of any act or neglect of himself or any of his employees or by reason of the violation of any of the specifications of his license.

License and Serial Numbers.

(3) In order that a licensee may retain from year to year the same license number, so that he may not have to obtain a new supply of labels each year, license forms will contain no printed license numbers, but license numbers will be filled in at the time of issue, the same license number being assigned to a given person, firm or corporation each year. All license forms, however, will bear an "issue number" in the lower left hand corner, which issue number will run serially throughout any book or books or licenses that may be printed, so that it will be possible to keep track of the number of licenses issued, the date of issue, etc.

(7)

License shall include all of Licensee's Places of Business.

Sept. 11, 1919. In Health Commissioner, Ordered: Whereas, an Act relating to the sale of alcohol, approved July 24, 1919, Chapter 360 of the Acts of 1919, provides for the licensing of persons, firms, or corporations, who are engaged in the business of manufacturing, buying, selling or dealing in methyl alcohol, wood alcohol, so-called, or denatured alcohol, or preparations for manufacturing or commercial purposes, which contain more than three per cent of any of the said alcohols and which are intended for use other than as a beverage, in contradistinction to the licensing of places where such articles are sold:

It is directed that any such person, firm, or corporation otherwise qualified, be given a single license upon the payment of a fee of (\$1.00) One Dollar, covering all places of business within the City of Boston in which he is engaged in the prosecution of the business licensed, and that if he has more than one place of business, he be provided with a sufficient number of certificates of license, in addition to his original license, to enable him to display one in each place of business.

8)

Food Inspection Division shall Enforce all Laws Pertaining to the Sale of Wood Alcohol.

Dec. 19, 1919. In Health Commissioner, Ordered: That the execution and enforcement of the laws and regulations pertaining to the sale of wood alcohol

and of denatured alcohol be and are hereby assigned to the Food Inspection Division: provided, however, that the duty of issuing licenses be entrusted to the Secretary, who will issue such licenses on the recommendation of the Deputy Commissioner in charge of the Food Inspection Division, or, in the absence of the Deputy Commissioner, then on the recommendation of the Chief, Market, Store and Restaurant Service.

References.

Penalty for selling, etc., or having in possession with intent to sell, etc., any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, either crude or refined. G. L., ch, 270, s. 4 (chap. 9 (25) preceding).

B.— BEVERAGES, NON-ALCOHOLIC.

Sect.

1. Boards of health may annually grant permits to engage in business of making or bottling carbonated nonalcoholic beverages, soda waters, mineral or spring waters. Fee. Registered druggist exempt.
2. Boards to examine premises from time to time and if found insanitary the license may be revoked after a hearing. Ten days notice required.
3. Ingredients to be protected from contamination. Use of contaminated ingredients forbidden. Licensees to comply with Food and Drug laws.
4. State department of public health and local boards of health may make regulations to carry out above requirements.
5. Penalty for engaging in business without a permit and for violating regulations.
6. Regulations of the State Department of Public Health:
 1. Application. Certain information to be filed therewith.
 2. Permit not to be granted until source of water supply approved by state department.
 3. Permits shall be numbered and bear name of town, etc., and shall be displayed in conspicuous place.
 4. Permits when revocable.

Sect.

6. 5. Wagons to be kept clean and to bear permit number, etc.
6. Tables, etc., to be constructed of hard wood or covered with other nonporous material. Utensils to be kept clean. Floors, etc., to be kept clean.
7. Premises to be screened and kept free from flies.
8. Light and ventilation.
9. Receptacles for waste products.
10. Toilet facilities.
11. Rooms when not to be used for domestic purposes.
12. Use of tobacco in syrup rooms forbidden.
13. Cleanliness of employees.
14. Persons with contagious disease not to be employed, nor when such disease in family except when certified by board of health that no danger of spreading infection exists.
15. Filling of bottles regulated.
16. Use of bottles bearing the name of other persons. Labelling of bottles.
17. All water used in the manufacture of beverages shall be subject to approval of the state department of public health.
18. Use of saccharine forbidden.
 19. Terms "beverage" and "establishment" defined.

I.

STATUTES.

(1)

Boards of Health May Grant Permits. Registered Druggists Exempt.

G. L., Ch. 94. SECT. 10A. Boards of health of cities and towns may annually grant permits to engage in the business of the manufacture or bottling of

carbonated non-alcoholic beverages, soda waters, mineral or spring waters and may fix fees for said permits not to exceed ten dollars. The provisions of this section and the following four sections shall not apply to persons registered under sections 37 to 40 inclusive of chapter one hundred and twelve.

1921, 303.

(2)

Boards of Health Shall Examine Premises. Revocation of License. Hearing Required.—Notice.

G. L., Ch. 94. SECT. 10B. The board of health shall, from time to time, examine the premises of any person granted a permit under the preceding section, and if such premises or the equipment used therein in connection with the business of such person is found to be in an unsanitary condition, the board may revoke such permit after a hearing, ten days' notice of which shall be given such person.

1921, 303.

(3)

Protection of Ingredients. Use of Contaminated Ingredients Forbidden. Food and Drug Laws to be Obeyed.

G. L., Ch. 94. SECT. 10C. All materials used in the manufacture of beverages specified in section 10A shall be stored, handled, transported and kept in such a manner as to protect them from spoilage, contamination and unwholesomeness. No ingredient or material, including water, shall be used in the manufacture or bottling of any such beverage which is spoiled or contaminated, or which may render the product unwholesome, unfit for food or injurious to health. Persons granted permits under section 10A, shall comply with sections 186 to 196, inclusive.

1921, 303.

For penalty see (5) following.

(4)

State and Local Boards of Health Authorized to Make Regulations.

G. L., Ch. 94. SECT. 10D. The department of public health and local boards of health may make rules and regulations to carry out the three preceding sections.

1921, 303.

(5)

Penalty for Acting Without a License and for Violating Regulation.

G. L., Ch. 94. SECT. 10E. Any person who engages in the business of the manufacture or bottling of carbonated non-alcoholic beverages, soda waters, mineral or spring waters without the permit provided for in section 10A or who violates any provision of sections 10A to 10D, inclusive, or of any rule or regulation made thereunder, shall be punished for a first offence by a fine of not more than one hundred dollars and for a subsequent offence by a fine of not more than five hundred dollars.

1921, 303.

(6)

State Department of Public Health. Regulations Relative to the Manufacture and Bottling of Non-alcoholic Beverages.

Application for Permit.

As adopted July 20, 1921. (1) Each applicant for a permit shall file with his application the following information:

Location.

- (a) The location of the plant and offices.

Name.

(b) The legal name under which the business is to be conducted, together with the names and addresses of all owners, or, if a corporation, the names of the officers and the State where the business is incorporated; and such additional information as the local board of health may require.

Additional Requirements for Permits to Bottle Spring Water.

(c) Each applicant for a permit to bottle mineral or spring water shall furnish in addition a description of the spring and its location, including a sketch of the locality, an analysis of the water, and a statement of the methods of cleaning, sterilizing and filling the bottles.

Source of Water Supply to be Approved by State.

(2) No permit shall be granted for the bottling of mineral or spring water unless the source of supply has been approved by the Department of Public Health.

Permit Numbers, etc.

(3) All permits granted shall be numbered and bear the name of the town and the street address where the establishment is located, and all permits so granted shall be displayed in a conspicuous place on the premises so covered.

Polluted Water Cause for Revocation of Permit.

(4) Permits for the bottling of mineral or spring water shall be revocable if one or more samples, as sold, show evidence of pollution.

Delivery Wagons to be Clean, etc.

(5) All delivery trucks and wagons maintained by persons holding permits shall be kept clean and shall bear the permit number and the name of the town where the establishment is located.

Construction of Tables. Utensils, Floors, etc., to be Clean.

(6) All tables, benches and stands used in all establishments shall be constructed of hard wood or other non-porous substance, or shall be covered with suitable non-porous material. All apparatus and utensils used in the manufacture of beverages shall be kept clean. The floors, walls and ceilings of all establishments shall be kept clean at all times.

Screens Required.

(7) The premises where the manufacture of syrup is carried on shall be screened and shall be kept free from flies and other insects.

Light and Ventilation.

- (8) All establishments shall be properly lighted and ventilated.

Receptacles for Waste.

(9) Proper receptacles shall be provided for the waste products of the business.

Toilet Facilities.

(10) Each establishment shall provide suitable toilets which shall have no direct connection with the rooms where the manufacturing or bottling is carried on, and adequate washing facilities shall be supplied.

Use of Rooms for Domestic Purposes Forbidden.

(11) No room used in the business of manufacturing or bottling beverages shall be used in whole or in part for domestic purposes.

Use of Tobacco Forbidden.

- (12) The use of tobacco in any form is prohibited in the syrup room.

Cleanliness of Hands.

(13) All employees shall keep their hands clean while working in the syrup room or while bottling beverages.

Persons with Contagious Diseases Not to be Employed.

(14) No person suffering from any communicable or contagious disease shall be employed in or about the place where said beverages are manufactured or bottled, or where mineral or spring waters are bottled. No person shall be so employed during the time in which a case of contagious disease exists in the family in which such person resides, and not thereafter until quarantine has been removed; provided that such person may be employed if the local board of health issues a certificate in writing that no danger of public contagion or infection would result from the employment of such person.

Filling of Bottles.

(15) All bottles before each filling shall be cleaned and sterilized and shall be filled in such a way as not to be contaminated. Clean new stoppers or caps shall be used at each filling.

Use of Bottles. Labels.

(16) No person shall use in the bottling of any beverages any bottle bearing the name of any other person unless written permission had been previously obtained from the person whose name appears on said bottle. Each manufacturer shall mark or label each bottle or beverage so that there will be no confusion as to the contents, the source of supply or the article contained therein. In accordance with the provisions of General Laws, chapter 94 sections 181 and 182, and regulations made thereunder, such mark or label shall include a plain and conspicuous statement of the net quantity of contents, in terms of the largest unit of standard liquid measure, and such statement shall be printed in type not smaller than 8-point (brevier) capitals.

Water Used Subject to Approval of State Department.

(17) All water used in the manufacture of beverages shall be subject to the approval of the Department of Public Health.

Use of Saccharine Forbidden.

(18) No person shall use saccharine in the manufacture of any beverages.

Definitions.

(19) The term "establishment" in these regulations shall mean the premises controlled by persons holding permits under the provisions of chapter 303 of the Acts of 1921. The term "beverage" shall mean any carbonated non-alcoholic beverage, soda water, mineral or spring water.

For penalty see Gen. Laws, ch. 94, s. 10-E (5) preceding.

C.—EGGS, CARRYING ON AN ESTABLISHMENT FOR THE BREAKING AND CANNING OF.

Seet.

1. Applications, by whom and to whom made. Matters to be specified therein. Boards of Health authorized to make and enforce regulations for the conduct of such establishments, violation of

Seet.

- which may be cause of revocation of license after notice and hearing. Section also to apply to the manufacture of sausages and chopped meat of any kind.
2. Penalty for acting without a license.

Sect.

3. Rules for the conduct of egg breaking and canning establishments in Boston.

1. Washing facilities and toilets. Prohibition.

2. Walls of rooms used for breaking eggs to be of certain material.

3. Employees' hands and garments to be kept clean.

4. Windows and doors to be screened.

5. Utensils to be approved. Cups. Tables.

6. Eggs unfit for food not to be canned.

7. Lighting of eggs. Screened receptacles. Leaky eggs.

8. Refrigeration. Transportation. Utensils used in storage and transportation to be approved.

Sect.

3. 9. Eggs unfit for food. Sanitary handling of.

10. Separate receptacles for eggs unfit for food.

11. Eggs unfit for food broken out after edible eggs, and in separate utensils.

12. Utensils to be cleaned at the end of work.

13. Floors to be cleaned at end of work.

14. Refuse to be removed daily. Receptacles.

4. In establishments where eggs are handled, all "rot" and "spot" eggs shall be placed in a certain container and denatured. Label.

5. Fee for establishments for breaking, etc., of eggs.

I.

STATUTES.

(1)

Applications, by Whom and to Whom Made. Matters to be Specified Therein. Boards of Health Authorized to Make and Enforce Regulations for the Conduct of Such Establishments, Violation of Which may be Cause of Revocation of License After Notice and Hearing. Section Also to Apply to the Manufacture of Sausages and Chopped Meat of Any Kind.

G. L., Ch. 9. SECT. 89. Application for the carrying on of an establishment for the breaking and canning of eggs shall be made by the proprietor thereof to, and may be granted by, the aldermen* or selectmen, or, in a town having a population of more than five thousand, the board of health. The application shall be written, signed and sworn to by one or more of the owners or persons carrying on the business, or if a corporation by some authorized officer thereof, and shall state the name and address of all such owners or persons, the location of the establishment and the nature of the products thereof which are to be sold or used for food. The board of health of a town may make and enforce such rules and regulations as it deems necessary for the conduct of such establishments, and any license therefor may be revoked for any violation of such rules and regulations, after notice to the licensee and a hearing before said board. This section shall also apply to licenses for establishments mentioned in section one hundred and forty-four.

1914, 325, s. 1.

(2)

Penalty for Acting Without a License.

SECT. 90. Whoever carries on an establishment for the breaking or canning of eggs without a license as provided in the preceding section shall be punished by

* Considered to mean the board of health in Boston. Opinion, Corporation Counsel, June 15, 1914.

a fine of not less than ten nor more than one hundred dollars, or by imprisonment for not more than three months, or both.

1914, 325, s. 2.

1917, 11.

II.

REGULATIONS.

(3)

Conduct of Egg Breaking and Canning Establishments.

Oct. 20, 1914. Voted, to adopt the following regulations for the Conduct of Egg Breaking and Canning Establishments, in accordance with the provisions of Chapter 325 of the Acts of 1914:

Washing Facilities and Toilets. Prohibition.

1. All establishments in the city of Boston used for the breaking and canning of eggs shall, subject to the approval of the Board of Health, be provided with sufficient facilities for washing utensils and apparatus and the hands of employees, and with a sufficient number of sanitary water-closets. No room in which eggs are to be broken from the shell for food shall be occupied for such purpose until approved by the Board of Health.

Walls of Rooms Used for Breaking Eggs to be of Certain Material.

2. The walls and ceilings of all rooms used for the breaking of eggs intended for food shall be of hard, smooth material easily cleaned, approved by the Board of Health.

Employees' Hands and Garments to be Kept Clean.

3. The hands of all employees engaged in the breaking of eggs from the shell for food shall be washed before beginning work and kept clean as far as the work will permit. All employees shall wear outer garments approved by the Board of Health.

Windows and Doors to be Screened.

4. All windows and doors in egg breaking rooms shall be securely screened against flies and other insects. Such rooms shall be kept free from rats, mice and vermin.

Utensils to be Approved. Tables.

5. All utensils, apparatus and receptacles used in breaking eggs shall be subject to the approval of the Board of Health, and such utensils, apparatus and receptacles as in the opinion of the Board or its inspector are unfit for use shall be condemned. All cups into which eggs are broken for food shall be subject to the approval of the Board of Health, shall be of metal, and of such shape and construction as to prevent the collection of any substance about the edges, seams or handles. All tables used for the breaking of eggs for food shall be of hard, smooth material, and of a design and construction approved by the Board of Health.

Eggs Unfit for Food Not to be Canned.

6. No eggs unfit for food within the meaning of chapter 654 * of the Acts of 1913, shall be broken or canned for food. No eggs broken or canned for food shall contain any preservative in violation of law.

Lighting of Eggs. Screened Receptacles. Leaky Eggs.

7. All eggs shall be lighted (process known as candling) before breaking, and such eggs, as at the time of lighting are known to be, or suspected of being, unfit for food, shall not be broken out for food. All dirty shell eggs, otherwise fit for food, shall be handled in such a way as to prevent dirt from getting into the broken out product. (Wash in wire screened bottom receptacles letting the water wash through.) All leaky eggs shall be kept separate so as not to foul the sound shell eggs.

Refrigeration. Transportation. Utensils Used in Storage and Transportation to be Approved.

8. No eggs which have been broken from the shell for food shall be allowed to remain outside of the refrigerator for more than half an hour. All such must be cooled as rapidly as possible to a temperature of 45 degrees Fahrenheit or lower. All such eggs offered for, and during, transportation shall be so protected as to maintain the temperature as low as possible. All utensils used in the storage and transportation of such eggs shall be of a construction approved by the Board of Health and shall be thoroughly washed and cleansed before being used.

Eggs Unfit for Food. Sanitary Handling Of.

9. All utensils which have come in contact with, and the hands of the employee handling, an egg which when broken from the shell is found to be unfit for food, shall be at once thoroughly washed.

Separate Receptacles for Eggs Unfit for Food.

10. Proper receptacles easily distinguished from receptacles in which edible eggs are kept shall be provided for eggs found to be unfit for food, and shall when in use, always contain at least one pound of common salt for every gallon of their volume, or other soluble satisfactory to the Board of Health.

Eggs Unfit for Food Broken Out After Edible Eggs, and in Separate Utensils.

11. All eggs unfit for food and broken out for manufacturing purposes, shall, if broken in the same room in which edible eggs are broken, be broken out only after all breaking for food purposes has been finished for the day, and then only in separate utensils.

Utensils to be Cleaned at the End of Work.

12. All utensils, apparatus, receptacles, tables and benches used in the room where eggs are broken from the shell for food shall be thoroughly cleansed at the end of the work each forenoon and afternoon.

* Omitted in the enactment of the General Laws effective Jan. 1, 1921, but embodied in Acts, 1921, 486, s. 23 (G. L. 94, s. 92A.).

Floors to be Cleaned at End of Work.

13. The floor of each room shall be thoroughly cleansed at the end of the work each forenoon and afternoon.

Refuse Material to be Removed Daily. Receptacles.

14. All egg shells and refuse egg matter shall be treated with a deodorizer and removed from the premises daily. Proper metallic receptacles with covers shall be provided for refuse material.

For effect of any violation of above regulation, see (2) preceding.

(4)

In Establishments Where Eggs are Handled all "Rot" and "Spot" Eggs Shall be Placed in a Certain Container and Denatured. Label.

Reg. Sept. 5, 1917, as amended Feb. 21, 1918. Ordered, That the following regulation concerning the disposal of "rot" and "spot" eggs be adopted:

In all establishments where eggs are handled for food or mechanical purposes all "rot" and "spot" eggs shall be immediately placed in a water-tight metal container, provided with a cover, containing a solution of carbolic acid of a strength of at least five per cent, or a denaturant of an equivalent strength, and therein denatured by mixing them thoroughly.

All said containers so used shall be plainly and conspicuously marked:—"Eggs for Mechanical Purposes. Not for Food," in letters of uncondensed gothic type, not less than one inch in height.

For penalty, see G. L., ch. 111, s. 122 [see (1) of chapter 14, Part IV. preceding].

NOTE.—In *Commonwealth v. Wilson*, 242 Mass.—wherein above regulation was sustained, the Court said:—"It is settled by the recent case of *Wheeler v. Boston*, 233 Mass. 275 that G. L., ch. 111, s. 122 conferred authority upon the Board of Health to pass such an order for the preservation of the public health. . . . This authority is not curtailed by G. L., c. 94, s. 146 which contains no express or implied repeal of G. L., ch. 111, s. 122."

(5)

Fee for Establishments for Breaking, etc., of Eggs.

Order of the Health Commissioner, approved by the Mayor January 15, 1923, establishments for the breaking and canning of eggs, . . . shall be so licensed upon payment of a fee of one hundred dollars.

References.

Broken eggs packed in cans, if not intended for food, shall be denatured when deposited in cold storage. G. L., ch. 94, s. 92.

Selling eggs which are decayed, etc., for food purposes, forbidden. Nor shall such eggs be used in the preparation of food products or be delivered in an establishment where food products are prepared. State Department of Public Health shall enforce same. Penalty. G. L., ch. 94, s. 92-A.

D.—GRADED MILK.

Sect.

1. "Grade A, Massachusetts Milk." Standard established. Shall consist of milk produced from healthy cows under sanitary conditions within state, the bacteria count of which shall not average more than 100,000 per cubic centimeter. Test how made. When offered for sale shall be designated and marked by a certain label. Percentage of milk fat may be stated upon label, but the amount of milk fat shall never be less than the legal standard for milk established by section 12.
2. Boards of health, upon application, shall test milk, and if found to comply with requirements, shall issue, without charge, a written permit to sell, etc., such milk as "Grade A, Massachusetts Milk." Such permits may be revoked upon written notice. If milk fails to comply with section 13.

Sect.

3. If any other grade of milk is established, permits for sale of same shall be granted and may be revoked in accordance with section 14, but local boards shall determine the manner of testing same. Milk so offered for sale shall be marked with a certain label.
4. Penalty (1) for selling, etc., milk as "Grade A," or any grade provided for under section 15, without a permit; (2) for selling milk labelled as to its fat content found to contain less milk fat than stated on label; (3) for selling milk not wholly produced within state in containers bearing label with words "Grade A, Massachusetts Milk" or other words indicating milk was produced within state; and (4) for representing in any manner that milk not wholly produced in state was wholly produced therein or is "Grade A" milk.

I.

STATUTES.

(1)

"Grade A, Massachusetts Milk" Standard Established. Shall Consist of Milk Produced from Healthy Cows Under Sanitary Conditions, Within State, the Bacteria Count of Which Shall Not Average More than 100,000 Per Cubic Centimeter. Test How Made. When Offered for Sale Shall be Designated and Marked by a Certain Label. Percentage of Milk Fat may be Stated Upon Label, but the Amount of Milk Fat Shall Never be Less than the Legal Standard for Milk Established by Section 12.

G. L., Ch. 94. SECT. 13. "Grade A, Massachusetts Milk" shall consist exclusively of milk produced within the commonwealth from healthy cows under cleanly and sanitary conditions, and so cooled and cared for that in its raw state the bacteria count shall not average more than one hundred thousand per cubic centimeter, upon examination of five samples taken one each day, and each from a different lot of milk, on five consecutive days. When sold, kept or offered for sale or exchange, such milk shall be designated and marked by a label, cap or tag bearing the words "Grade A, Massachusetts Milk" in plain, legible, bold-faced type. The percentage of milk fat may also be stated upon said label, cap or tag, but the amount of milk fat shall never be less than the standard fixed for milk by the preceding section.

1917, 256, ss. 1, 2.

For penalty see G. L., ch. 94, s. 18 [see (4) following].

(2)

Boards of Health, Upon Application, Shall Test Milk, and if Found to Comply with Requirements Shall Issue, Without Charge a Written Permit to Sell, etc., Such Milk as "Grade A, Massachusetts Milk." Such Permits may be Revoked Upon Written Notice, if Milk Fails to Comply with Section 13.

G. L., Ch. 94. SECT. 14. The board of health of a town, upon application of a person desiring to sell or exchange milk therein as "Grade A, Massachusetts Milk," shall test, as provided in the preceding section, the milk produced or to be sold or exchanged by such applicant, and if upon such test the milk so produced or to be sold or exchanged by the applicant is found to comply with the requirements of "Grade A, Massachusetts Milk," such board shall issue without charge to the applicant a written permit to keep for sale, exchange or delivery, or to sell, exchange or deliver in such town, milk graded, designated and labeled under the preceding section as "Grade A, Massachusetts Milk."

A permit so issued may be revoked at any time upon written notice to the holder by the board issuing it, if milk offered by the holder for sale or exchange as so graded does not comply with said section.

1917, 256, s. 3.

1918, 170.

(3)

If Any Other Grade of Milk is Established, Permits for Sale of Same Shall be Granted and may be Revoked in Accordance with Section 14, but Local Boards Shall Determine the Manner of Testing Same. Milk so Offered for Sale Shall be Marked with a Certain Label.

G. L., Ch. 94. SECT. 15. If any grade or classification of milk other than "Grade A, Massachusetts Milk" is established, permits for the sale of such other milk shall be granted and may be revoked in accordance with the preceding section with respect to "Grade A, Massachusetts Milk," but such permits shall not be granted until the milk to be sold thereunder has been tested in such manner as the local board of health to whom application for the permit is made shall determine. Milk sold or exchanged or kept or offered for sale or exchange under such a permit shall be marked with a label, cap or tag, bearing in the English language in plain, legible, bold-faced type, the name of the grade as it is determined by such board.

1917, 256, s. 4.

For penalty see G. L. 94, s. 18 [see (4) following].

(4)

Penalty (1) for Selling, etc., Milk as "Grade A" or Any Grade Provided for Under Section 15 Without a Permit; (2) for Selling Milk Labeled as to its Fat Content Found to Contain Less Milk Fat than Stated on Label; (3) for Selling Milk not Wholly Produced Within State in Containers Bearing Label with Words "Grade A, Mass. Milk" or Other Words Indicating Milk was Produced Within State; and (4) for Representing in Any Manner that Milk Not Wholly Produced in State was Wholly Produced Therein or is "Grade A Milk."

G. L., Ch. 94. SECT. 18. Whoever himself or by his agent sells, exposes for sale, or has in his custody or possession with intent to sell milk purporting to be of a grade established under section thirteen or provided for by section fifteen

without having a permit so to do, or milk labeled as to its fat content which upon analysis of three samples taken one each day, and each from a different lot of milk, on three consecutive days, is found to contain less milk fat than is stated upon the label, cap or tag, and whoever sells, exposes for sale or exchange, or delivers milk not wholly produced in the commonwealth in containers bearing upon a label, cap, tag, or otherwise, the words "Grade A, Massachusetts Milk," or other words indicating that such milk was produced in the commonwealth, and whoever in any manner represents that milk not wholly produced therein was wholly produced therein or is of the grade designated as "Grade A, Massachusetts Milk," shall be punished for the first offence by a fine of not more than fifty dollars, for the second offence by a fine of not less than fifty nor more than one hundred dollars, and for a subsequent offence by a fine of not less than one hundred nor more than two hundred dollars.

1917, 256, ss. 5, 6.

E.— MILK LICENSES.

Sect.

1. Selling, etc., milk, skimmed milk or cream without a license from inspector of milk, prohibited. Exception in case of a producer selling milk to other than consumers, or selling not more than 20 quarts per day to consumers. Such license shall contain number, name, place of business, etc., licenses issued to partnerships or corporations shall contain certain names. License shall, for purposes of certain sections, be deemed conclusive evidence of ownership and shall not be transferred. Vehicles used in sale of milk, etc., shall have license number, name and place of business of licensee displayed on outer side. License to be posted in store, etc.
2. Inspectors of milk authorized to grant licenses subject to regulations of board of health. Fee. Term. Inspectors may declare licenses suspended or forfeited upon conviction of licensee in court for violation of his license. License may be refused until compliance with board of health regulations and may be revoked at any time for failure to comply with such regulations. Appeal to state department allowed from such refusal or revocation.
3. Penalty for violation of any provision of section 40.
4. Sale, etc., of milk by producer or dealer prohibited without a permit from the board of health. Boards authorized to issue such permit after inspection of milk and place where produced, etc. Board authorized to make conditions

Sect.

- and to revoke permit for violation of same. No fee for permit to producer. Re-issuance of permit authorized after revocation. Boards shall notify state department of public health upon revoking or re-issuing any permit and state department shall, in turn, notify towns where milk from person whose license is thus revoked, may be sold; and also, to any dealers likely to buy of him. Sale of such milk by dealer after such notice, prohibited. Penalty for violation of any provision of section.
5. Sale of milk prohibited until conditions of production subject to certain inspection.
 6. Regulations of Health Commissioner of Boston relative to the sale and care of milk and milk products.

Article I. Licenses.

1. Persons engaged in the production or conveyance of milk or cream, for sale in Boston, shall annually make written application to inspector of milk, on certain forms for license. Exception in case of producer selling milk to other than consumers or not to exceed 20 quarts per day, to consumers in Boston. Persons before selling milk or cream in a store, etc., shall make similar application.
2. Except as provided in above section, engaging in business of producing milk or cream for sale, or in the selling or distributing of same, prohibited without a license under

Sect.

these regulations, said license to be revoked upon failure to comply with conditions of license or regulations of health commissioner.

6. 3. Licensee shall make known to health commissioner (1) the conditions under which cows are kept, and (2) the methods of handling milk at place of production, during transit, while being mixed, canned, stored, etc. The sale of milk or cream prohibited unless such conditions and methods of handling have been made known and are satisfactory to health commissioner.
4. Sale of milk drawn from cows within certain periods, forbidden; also milk from cows which have not undergone certain examination and been found healthy.
5. Licenses shall be posted on premises. Vehicles shall have licensees' name, etc., marked thereon.

Article II. Rooms, Utensils, Toilet Facilities, etc.

1. Storing milk in place used for stabling horses, or for domestic or sleeping purposes, forbidden unless rooms separated to satisfaction of health commissioner.
2. Use of room occupied by horses forbidden for the storing, mixing, etc., of milk. Rooms where milk stored shall have tight walls and floors and shall be kept clean. Walls and floors shall be of such construction as to allow thorough cleansing. Proper appliances shall be provided for sterilizing utensils and utensils shall be sterilized after use.
3. Location of water-closets regulated.
4. Milk shall be strained and cooled as soon as drawn.

Article III. Storage of Milk.

1. Milk, etc., in stores, etc., shall be kept in covered cooler or refrigerator, except while sale is being made. Refrigerator shall be properly drained and cared for and in such location and condition as health commissioner approves.

Article IV. Containers.

1. Cans, etc., used for milk, etc., shall be sterilized before re-use. Wagons used for conveyance of milk shall be kept clean, etc. Use of milk vessel as container for other substances, forbidden.

Sect.

6. Article V. Infectious Disease.

1. Producers of milk, etc., shall notify health department of any infectious disease in family, among employees or within building and shall suspend sale until authorized to resume by health commissioner. Vessels handled by sick persons shall not be used to hold milk until sterilized.

Article VI. Condition of Milk.

1. Selling milk, or skimmed milk or cream having more than a certain amount of bacteria, or a temperature higher than a certain degree, forbidden.

Article VII. Bottling.

1. Sale of milk, etc., in stores, etc., forbidden unless in tightly closed bottles. Exception in case of sale from cans, etc., in restaurants when the milk is to be there consumed.
2. Sellers of milk shall comply with any requirement of the Health Commissioner relative to (1) the filling of milk in bottles, (2) the methods employed in such filling, or (3) the conditions and surroundings under which such filling is done. Filling bottles with milk upon wagons or on any public or private way, etc., prohibited unless permission for such filling has previously been obtained from the Health Commissioner.
3. Sale of milk at retail prohibited in room where bottled.

Article VIII. Tests.

1. Test by tasting shall be by means of a spoon, etc., and such spoon, etc., shall not again be brought into contact with milk until after sterilization. Contact of hands, etc., with milk intended for sale prohibited. Persons engaged in tasting, mixing or handling milk shall clean hands, etc., before engaging in such work and keep them clean during same. Precautions to be taken when vessel containing milk is open. Persons with certain diseases shall not engage in handling of milk intended for sale.

Article IX. Care of Bottles.

1. Persons having possession of bottles, etc., used in sale, etc., of milk, cream, skimmed milk or butter-milk, shall cause such bottle to be cleansed after use. Delivering such bottle not so cleaned prohibited.

Sect.

6. Article X. Expectoration.
1. Expectorating in any room, etc., used for sale, etc., of milk, prohibited except in certain receptacles.

Article XI. Producers, etc.

1. Producers' permits to be subject to further conditions adopted by Health Commissioner.
2. Dealers' milk shall be from dairy farms having a certain minimum score.

Sect.

6. 3. Purchasing, etc., by dealers from producer whose permit has been revoked, prohibited.
4. Selling, etc., milk which has been pasteurized a second time, prohibited also, pasteurized milk in bottles unless bottled at place of pasteurization.

I.

STATUTES.

(1)

Selling, etc., Milk, Skimmed Milk or Cream Without a License from Inspector of Milk, Prohibited. Exception in Case of a Producer Selling Milk to Other than Consumers, or Selling not More than 20 Quarts per Day to Consumers. Such license shall contain Number, Name, Place of Business, etc. Licenses Issued to Partnerships or Corporations Shall contain Certain Names. License Shall, for Purposes of Certain Sections, be Deemed Conclusive Evidence of Ownership and Shall not be Transferred. Vehicles Used in Sale of Milk, etc., Shall Have License Number, Name and Place of Business of Licensee Displayed on Outer Side. License to be Posted in Store, etc.

G. L., Ch. 94. SECT. 40. No person, except a producer selling milk to other than consumers, or selling not more than twenty quarts per day to consumers, shall deliver, exchange, expose for sale or sell or have in his custody or possession with intent so to do any milk, skimmed milk or cream in any town where an inspector of milk is appointed, without obtaining from such inspector a license which shall contain the number thereof, the name, place of business, residence, number of vehicles used by the licensee and the name of each driver or other person employed by him in carrying or selling milk. A license issued to a partnership or corporation shall be issued in the business name of said partnership or corporation and shall contain the names in full of the partners and managers of said partnership or officers of said corporation. The license shall, for the purposes of sections forty to forty-two, inclusive, be conclusive evidence of ownership and shall not be sold, assigned or transferred. Whoever in such a town, engages in the business of selling milk, skimmed milk or cream from any vehicle shall display conspicuously on the outer side of each vehicle so used, his license number in figures not less than one and one half inches in height, and the name and place of business of the licensee in gothic letters not less than one and one half inches in height. Whoever in such town engages in the business of selling milk, skimmed milk or cream in a store, booth, stand, or market place shall have his license conspicuously posted therein.

1859, 206, s. 2.

G. S. 49, s. 15i.

1864, 122, s. 4.

1880, 209, ss. 1, 2.

P. S. 57, ss. 3, 4.

R. L. 56, ss. 53, 54.

190J, 443, ss. 1, 5.

1 Allen, 593.

2 Allen, 157.

For penalty see G. L., ch. 94, s. 42 [see (3) following].

(2)

Inspectors of Milk Authorized to Grant Licenses Subject to Regulations of Board of Health. Fee. Term. Inspectors May Declare Licenses Suspended or Forfeited Upon Conviction of Licensee in Court for Violation of His License. License May be Refused Until Compliance with Board of Health Regulations and May be Revoked at Any Time for Failure to Comply with Such Regulations. Appeal to State Department Allowed from Such Refusal or Revocation.

G. L., Ch. 94. SECT. 41. An inspector of milk in any town, for the purposes mentioned in the preceding section and subject to the regulations established by the board of health of such town, may grant licenses to suitable persons, and shall receive for each license so granted a fee of fifty cents for the use of such town, and all license fees collected by him shall be paid over monthly to the town treasurer. Such licenses shall remain in force until June first following, unless previously suspended or revoked. An inspector of milk may declare any license granted by him suspended or forfeited upon a conviction of the licensee in any court of the commonwealth for violation of his license. If the applicant for a license fails to comply with any regulation of the board of health of the town where the application is made, a license may be refused until he has complied with such regulation; and a license granted under this section may be revoked at any time for failure to comply with any such regulation. If a license is so refused or revoked, an appeal may be taken to the department of public health, whose decision shall be final.

1880, 209, ss. 1, 2.

R. L. 56, ss. 53, 54.

1914, 792, s. 1.

P. S. 57, ss. 3, 4.

1909, 405, s. 3; 443, ss. 3-5.

1919, 350, s. 95.

(3)

Penalty for Violation of Any Provision of Section 40.

G. L., Ch. 94. SECT. 42. Whoever violates any provision of section forty shall be punished for the first offence by a fine of not less than ten nor more than one hundred dollars, for the second offence by a fine of not less than fifty nor more than three hundred dollars, and for a subsequent offence by a fine of fifty dollars and by imprisonment for not less than one nor more than two months.

1859, 206, s. 2.

1880, 209, s. 1.

R. L. 56, ss. 53, 54.

G. S., 49, s. 151.

P. S. 57, ss. 3, 4.

1909, 443, ss. 2, 5.

1864, 122, s. 4.

(4)

Sale, etc., of Milk by Producer or Dealer Prohibited Without a Permit from the Board of Health. Boards Authorized to Issue Such Permit After Inspection of Milk and Place Where Produced, etc. Board Authorized to Make Conditions and to Revoke Permit for Violation of Same. No Fee for Permit to Producer. Re-issuance of Permit Authorized After Revocation. Boards Shall Notify State Department of Public Health Upon Revoking or Re-issuing Any Permit and State Department Shall, in Turn, Notify Towns Where Milk from Person Whose License is Thus Revoked, May be Sold; and Also, to Any Dealers Likely to Buy of Him. Sale of Such Milk by Dealer After Such Notice, Prohibited. Penalty for Violation of Any Provision of Section.

G. L., Ch. 94. SECT. 43. No producer of or dealer in milk shall sell or deliver for sale in any town any milk produced or dealt in by him without first

obtaining from the board of health of such town a permit authorizing such sale or delivery. Said board of health may issue such permit after an inspection of the milk, and of the place where and the circumstances under which it is produced and handled, has been made by it or its authorized agent. Any permit so granted may contain such reasonable conditions as said board deems suitable for protecting the public health and may be revoked for failure to comply with any of such conditions. No charge shall be made to the producer for such permit. After a permit has been revoked, it may be re-issued in the same manner in which the original permit was issued. The board revoking or reissuing said permit shall immediately send notice thereof to the department of public health, which may enforce this provision. The department shall at once inform the board of health of any other town where, in its judgment, milk produced by the person to whom the permit relates would be likely to be sold or delivered for sale, and it shall also give notice of such revocation or reissue to any dealer in milk who in its judgment would be likely to purchase milk from such person; and after receipt of notice of revocation no dealer so notified shall sell or offer for sale such milk. Violation of any provision of this section shall be punished by a fine of not more than one hundred dollars.

1914, 744, s. 1-5; 702, s. 1.
1916, 228.

1915, 109, s. 1.
1919, 350, s. 96.

(5)

Sale of Milk Prohibited Until Conditions of Production Subject to Certain Inspection.

G. L., Ch. 94. SECT. 16. No milk shall be sold in the commonwealth unless the conditions under which it is produced are subject to the inspection provided by law.

1910, 633, s. 3.

II.

REGULATIONS.

(6)

The Sale and Care of Milk and Milk Products.

Reg. April 15, 1915. It was unanimously voted to adopt the following regulations for the sale and care of milk and milk products:

Article 1. Licences.

Persons Engaged in the Production or Conveyance of Milk or Cream, for Sale in Boston, Shall Annually Make Written Application to Inspector of Milk, on Certain Forms for License. Exception in Case of Producer Selling Milk to Other than Consumers, or not to Exceed Twenty Quarts per Day to Consumers in Boston. Persons Before Selling Milk or Cream in a Store, etc., Shall Make Similar Application.

SECTION 1. All persons except a producer selling milk to other than consumers or not to exceed twenty quarts per day to consumers

in the city of Boston, engaged in the production of milk or cream for sale, or in the conveyance in carriages for the purpose of selling, delivering or distributing milk or cream in said city, shall, annually on the first day of May, or within thirty days thereafter make written application to the Inspector of Milk, on forms prescribed by the Health Commissioner, for a license. All persons in the city of Boston before selling milk or cream or offering these products for sale in a store, booth, stand or market place, shall make written application to the Inspector of Milk, on forms prescribed by the Health Commissioner for a license.

Except as Provided in Above Section, Engaging in Business of Producing Milk or Cream for Sale, or in the Selling or Distributing of Same, Prohibited Without a License Under These Regulations, Said License to be Revoked upon Failure to Comply With Conditions of License or Regulations of Health Commissioner.

SECT. 2. No person except as provided in section 1, in said city shall engage in the business of producing milk or cream for sale, or in the sale or distribution of milk or cream in the city of Boston, without a license so to do, under these regulations and such other conditions as the Health Commissioner may impose; said license to be revoked if the licensee fails to comply with the conditions of his license and the regulations of the Health Commissioner.

Licensee Shall Make Known to Health Commissioner (1) The Conditions Under Which Cows Are Kept, and (2) The Methods of Handling Milk at Place of Production, During Transit, While Being Mixed, Canned, Stored, etc. The Sale of Milk or Cream Prohibited Unless Such Conditions and Methods of Handling Have Been Made Known and are Satisfactory to Health Commissioner.

SECT. 3. The conditions under which every cow is kept whose milk or cream is produced within, or brought into the city of Boston for sale, delivery or distribution, and the method of handling such milk or cream at the place of production, or during the time of their transit, or while they are being mixed, placed in containers, held, stored, heated or otherwise processed prior to such sale, delivery or distribution in said city, shall be made known by the licensee, or dealer to the Health Commissioner and in such detail as said Commissioner may require; and no milk or cream except that, the conditions of producing and the methods of handling which have been made known as aforesaid, and no milk or cream which is not produced or handled in a manner satisfactory to the Health Commissioner shall be brought into, kept, delivered, distributed, sold or offered for sale in said city.

Sale of Milk Drawn from Cows Within Certain Periods, Forbidden; Also Milk from Cows Which Have Not Undergone Certain Examination and Been Found Healthy.

SECT. 4. No milk shall be sold, offered for sale or distributed in the city of Boston which was drawn from cows within fifteen days before or five days after parturition, nor unless the cows from which it was derived have, within one year, been examined by a competent authority, and shown to be free from diseases dangerous to the public health.

Licenses Shall be Posted on Premises. Vehicles Shall Have Licensees' Name, etc., Marked Thereon.

SECT. 5. Every person having a license to sell, deliver or distribute milk or cream in the city of Boston, shall keep a copy of the same constantly posted in a conspicuous place on his premises, and shall have his name, the number of his license and his place of business marked in Gothic letters, not less than 1½ inches in height, on all vehicles used by him in the conveyance and sale of milk or cream.

Article II. Rooms, Utensils, Toilet Facilities, etc.

Storing Milk in Place Used for Stabling Horses, or for Domestic or Sleeping Purposes, Forbidden Unless Rooms Separated to Satisfaction of Health Commissioner.

SECTION 1. No milk or cream kept for sale or distribution shall be stored in any portion of a building which is used for the stabling of horses, cows or other animals, or for the storing of manure, or in any room used in whole or in part for domestic or sleeping purposes, unless the storage room for milk or cream is separated from other parts of the building to the satisfaction of the Health Commissioner.

Use of Room Occupied by Horses Forbidden for the Storing, Mixing, etc., of Milk. Rooms Where Milk Stored Shall Have Tight Walls and Floors and Shall be Kept Clean. Walls and Floors Shall be of Such Construction as to Allow Thorough Cleansing. Proper Appliances Shall be Provided for Sterilizing Utensils and Utensils Shall be Sterilized After Use.

SECT. 2. No person engaged in the business of producing milk or cream for sale, or in the business of storing, selling or delivering milk or cream in said city, shall store, cool, strain or mix said milk or cream in any room which is occupied by horses, cows or other animals. All rooms in which milk or cream is stored, cooled, strained or mixed, shall be provided with tight walls and floor and kept constantly clean. The walls and floors of said rooms shall be of such construction as to allow easy and thorough cleansing. The

room or rooms aforesaid shall contain proper appliances for washing or sterilizing all utensils actually employed in the storage, mixing or cooling, sale or distribution of milk or cream and all such apparatus and utensils shall be washed with boiling water or sterilized by steam regularly after being so used.

Location of Water-closets Regulated.

SECT. 3. No urinal, water-closet or privy shall be located in the rooms called for in the preceding section, or so situated as to pollute the atmosphere of said rooms.

Milk Shall be Strained and Cooled as Soon as Drawn.

SECT. 4. All milk produced for the purpose of sale shall be strained and cooled as soon as it is drawn from the ew. .

Article III. Storage of Milk.

Milk, etc., in Stores, etc., Shall be Kept in Covered Cooler or Refrigerator Except While Sale is Being Made. Refrigerator Shall be Properly Drained and Cared for and in Such Location and Condition as Health Commissioner Approves.

SECTION 1. Milk or cream kept for sale in any store, shop, restaurant, market, bakery, or other establishment, shall be stored in a covered cooler, box or refrigerator. No vessel containing milk or cream for sale shall be allowed to stand outside said cooler, box or refrigerator, except while a sale of said milk or cream is being made. Every such cooler, box or refrigerator shall be properly drained and cared for, and shall be kept tightly closed, except during such intervals as are necessary for the introduction or removal of milk, cream or ice, and they shall be kept only in such locations and under such conditions as shall be approved by the Board of Health.

Article IV. Containers.

*Cans, etc., Used for Milk, etc., Shall be Sterilized Before Re-use.
Wagons Used for Conveyance of Milk Shall be Kept Clean, etc.
Use of Milk Vessel as Container for Other Substances, Forbidden.*

SECTION 1. All cans, bottles or other vessels of any sort, used in the sale, delivery or distribution of milk or cream shall be cleansed or sterilized before they are again used for the same purpose, and all wagons used in the conveyance of milk or cream for sale or distribution shall be kept in a cleanly condition and free from offensive odors. No person shall use a milk or cream vessel as a container for any other substance than milk or milk products.

Article V. Infectious Disease.

Producers of Milk, etc., Shall Notify Health Department of Any Infectious Disease in Family, Among Employees or Within Building and Shall Suspend Sale Until Authorized to Resume by Health Commissioner. Vessels Handled by Sick Persons Shall Not be Used to Hold Milk Until Sterilized.

SECTION 1. Every person engaged in the production, storage, transportation, sale, delivery, or distribution of milk or cream, immediately on the occurrence of any case or cases of infectious disease, either in himself, or in his family, or amongst his employees or their immediate associates, or within the building or premises where milk or cream is stored, sold or distributed, shall notify the Boston Board of Health, and at the same time shall suspend the sale and distribution of milk or cream until authorized to resume the same by the said Board of Health. No vessels which have been handled by persons suffering from such diseases shall be used to hold or convey milk or cream until they have been thoroughly sterilized.

Article VI. Condition of Milk.

Selling Milk or Skimmed Milk or Cream Having More than a Certain Amount of Bacteria, or a Temperature Higher than a Certain Degree Forbidden.

SECTION 1. No person by himself or by his servant or agent, or as the servant or agent of any other person, firm or corporation, shall in the city of Boston, sell, exchange or deliver or have in his custody or possession with intent to sell, exchange or deliver, any milk, or skimmed milk which contains more than 500,000 bacteria per cubic centimeter, or any cream which contains more than 1,000,000 bacteria per cubic centimeter, or any milk, skimmed milk or cream which has a temperature higher than fifty degrees Fahrenheit.

Article VII. Bottling.

Sale of Milk, etc. in Stores, etc., Forbidden Unless in Tightly Closed Bottles. Exception in Case of Sale from Cans, etc., in Restaurants When the Milk is to be there Consumed.

SECTION 1. No person or corporation shall sell or offer, expose or keep for sale in any shop, store or other place milk or cream, unless the same is sold or offered, exposed or kept for sale in tightly closed or capped bottles * or receptacles. Nothing contained herein shall prevent the sale of milk or cream from cans, crocks, coolers or other receptacles in restaurants, hotels, barrooms or at soda fountains when the milk or cream is to be consumed in the restaurant or hotel by guests or patrons ordering the same.

* Held in Commonwealth v. Drew, 208 Mass. 493, that the making of this regulation was not within the power of the board of health acting under Revised Laws, ch. 75, s. 65.

Sellers of Milk Shall Comply with any Requirement of the Health Commissioner Relative to (1) the Filling of Milk in Bottles (2) the Methods Employed in Such Filling, or (3) the Conditions and Surroundings Under Which such Filling is Done. Filling Bottles with Milk Upon Wagons or on any Public or Private Way, etc., Prohibited Unless Permission for such Filling has Previously Been Obtained from Health Commissioner.

SECT. 2. Every person or corporation engaged in the business of selling or delivering milk or cream shall, immediately upon receiving a written order from the Health Commissioner so to do, comply with any requirement of said commissioner respecting the filling of milk and cream in bottles or receptacles, the manner and methods employed in such filling or the conditions and surroundings under which such filling is done and carried on. The filling of bottles or cans with milk or cream, for sale or delivery upon wagons or on any public or private way or in any place for which permission for such filling has not previously been obtained from the Health Commissioner is prohibited.

Sale of Milk at Retail Prohibited in Room Where Bottled.

SECT. 3. No person or corporation shall sell or offer, expose or keep for sale at retail milk or cream in the room or store where the same is put into bottles or receptacles.

Article VIII. Tests.

Test by Tasting Shall be by Means of a Spoon, etc., and Such Spoon, etc., Shall not Again be Brought in Contact with Milk Until After Sterilization. Contact of Hands, etc. with Milk Intended For Sale Prohibited. Persons Engaged in Tasting, Mixing or Handling Milk Shall Clean Hands, etc., Before Engaging in Such Work and Keep Them Clean During Same. Precautions to be Taken When Vessel Containing Milk is Open. Persons With Certain Diseases Shall not Engage in Handling of Milk Intended for Sale.

SECTION 1. Whoever tests milk or cream which is to be offered for sale in any form by tasting shall do so by means of a spoon or piece of wood, paper, cardboard or other article, and such spoon, piece of wood, paper, cardboard or other articles shall not again be brought in contact with milk or cream intended for sale, or be used for testing milk or cream until after being thoroughly washed and sterilized; no person shall permit his hands, fingers, lips or tongue to come in contact with milk or cream intended for sale in any form. All persons engaged in the tasting, mixing or handling of milk or cream for sale in any form shall before engaging in such testing, mixing or handling, thoroughly clean his hands and finger nails and keep them clean and dry during such tasting, mixing or handling.

No person shall permit his hands while wet to remain or pass over any open vessel containing milk or cream intended for sale in any form. No person who has sore throat, diarrhœa, or is suffering from any other disturbance of the bowels, or has symptoms of infectious or contagious disease, shall engage in the handling of milk or cream which is to be offered for sale or which is for sale.

Article IX. Care of Bottles.

Persons Having Possession of Bottles, etc., Used in Sale, etc., of Milk, Cream, Skimmed Milk or Buttermilk, Shall Cause such Bottle to be Cleansed After Use. Delivering such Bottle not so Cleaned Prohibited.

SECTION 1. All persons having the possession or custody of bottles, cans or other receptacles used in the sale, delivery and transportation of milk, cream, skimmed milk or buttermilk, shall cause any such bottle, can or receptacle to be cleaned immediately upon emptying the same; and no person shall deliver, receive or have in his possession or custody any such bottle, can or receptacle so used which has not been cleansed as aforesaid.

Article X. Expectoration.

Expectorating in any Room, etc., Used for Sale, etc., of Milk, Prohibited Except in Certain Receptacles.

SECTION 1. No person shall expectorate or spit, except in receptacles provided for the purpose, in or upon any part of any room, vehicle, railroad car, railroad platform, or other place used for the sale, storage, handling or transportation of milk.

Article XI. Producers, etc.

Producers' Permits to be Subject to Further Conditions Adopted by Health Commissioner.

SECTION 1. Permits granted under authority of section 43 of chapter 94, General Laws, are subject to further conditions relative to the production, care and handling of milk which may be adopted by the Boston Health Commissioner.

Dealers' Milk Shall be From Dairy Farms Having a Certain Minimum Score.

SECT. 2. All milk handled by dealers for sale, distribution or other purpose shall be from dairy farms having a minimum score of fifty by the United States Dairy Score Card.

Purchasing, etc., by Dealers From Producer Whose Permit has been Revoked, Prohibited.

SECT. 3. After revocation of a producer's permit no dealer shall purchase, receive or allow milk from such producer upon his premises, regardless of location, for any purpose.

Selling, etc., Milk Which has been Pasteurized a Second Time, Prohibited; also, Pasteurized Milk in Bottles Unless Bottled at Place of Pasteurization.

SECT. 4. No person, by himself or by his servant or agent, or as the servant or agent of any other person, firm or corporation, shall in the city of Boston sell, exchange or deliver, or have in his custody or possession with intent to sell, exchange or deliver, any milk which has been pasteurized a second time, or pasteurized milk in bottles, unless such milk has been bottled at the place of pasteurization.

The above regulations were adopted under authority of R. L., ch. 75, s. 65 (now G. L., ch. 111, s. 122). For penalty see G. L., ch. 111, s. 122 [see (1) of chapter 14, Part IV., preceding].

References.

Persons engaged in buying, selling or dealing in milk or cream in cans, with their name and the word "registered" produced thereon in a permanent manner, may register cans by filing in the office of the town clerk, where principal place of business is situated, and also at office of state secretary, a description of the name; and by newspaper publication thereof. G. L., ch. 110, s. 21.

For penalty for putting any unclean or foul substance into any registered milk can, see G. L., ch. 110, s. 24.

F.—LICENSES, OLEOMARGARINE.

Sect.

1. Persons conveying oleomargarine in a vehicle for purposes of sale shall annually be licensed by local milk inspector. Fee. Name in which license issued. Licenses not transferable; shall be numbered and shall state name, residence, etc. Vehicles shall bear name, number of license, etc. Change of drivers to be reported. Penalty for selling oleomargarine from vehicles without a license; and for any violation of section.

Sect.

2. Persons selling oleomargarine in a store shall annually register his name and place of sale with local inspector of milk. Fee. Penalty for neglect to register.
3. Penalty for selling oleomargarine from any dwelling, store, office or public mart without a certain placard posted thereon.
4. Penalty for peddling, etc., oleomargarine from any vehicle without having on both sides thereof a certain placard.

I.

STATUTES.

(1)

Persons Conveying Oleomargarine in a Vehicle for Purposes of Sale, Shall Annually be Licensed by Local Inspector of Milk. Fee. Name in Which License Issued. Licenses not Transferable; Shall be Numbered and Shall State Name, Residence, etc. Vehicles Shall Bear Name, Number of License, etc. Change of Drivers to be Reported. Penalty for Selling Oleomargarine from Vehicles Without a License; and for Any Violation of Section.

G. L., Ch. 94. SECT. 52. Each person who conveys oleomargarine in a vehicle or otherwise, for the purpose of selling the same in any town, shall annually in May be licensed by an inspector of milk of such town to sell the same within the limits thereof, and shall pay therefor to such inspector fifty cents to the use of the town. The inspector shall pay monthly to the town treasurer all such

moneys collected by him. In towns where there is no inspector of milk, such license shall be issued by the town clerk. Any such license shall be issued only in the name of the owner of the vehicle, and for the purposes of sections 49 to 60, inclusive, shall be conclusive evidence of ownership. No such license shall be sold, assigned or transferred. Each license shall be numbered and shall state the name, residence, place of business, number of vehicles used, and the name and residence of each driver or other person engaging in carrying oleomargarine. Each licensee before engaging in the sale of oleomargarine, shall cause his name, the number of his license and his place of business to be legibly placed in gothic letters not less than one inch in length, in the English language, on each outer side of each vehicle used by him in the conveyance and sale thereof, and shall report to the said inspector or town clerk any change of driver or other person engaged in carrying oleomargarine occurring during the term of his license. Whoever without being licensed sells oleomargarine, or exposes or offers it for sale from vehicles or has it in his custody or possession with intent so to sell, and whoever violates any of the provisions of this section, shall for the first offence be punished by a fine of not less than thirty nor more than one hundred dollars, and for a subsequent offence by a fine of not less than fifty nor more than three hundred dollars.

1886, 317, s. 4.

R. I. 56, s. 39.

(2)

Persons Selling Oleomargarine in a Store Shall Annually Register His Name and Place of Sale with Local Inspector of Milk. Fee. Penalty for Neglect to Register.

G. L., Ch. 94. SECT. 53. Each person before selling or offering for sale oleomargarine in a store, booth, stand or market place, shall register his name and proposed place of sale in the books of the inspector of milk of the town, or, if there is no such inspector, in the books of the town clerk, and annually in May thereafter shall so register, and shall pay fifty cents for each registering to the use of such town. Whoever neglects so to register shall be punished by a fine of not more than twenty dollars.

1886, 317, s. 5.

R. L. 56, s. 40.

(3)

Penalty for Selling Oleomargarine from Any Dwelling, Store, Office or Public Mart Without a Certain Placard Posted Thereon.

G. L., Ch. 94. SECT. 56. Whoever sells oleomargarine from any dwelling, store, office or public mart which does not have conspicuously posted thereon a placard or sign approved by the division of dairying and animal husbandry of the department of agriculture, bearing in letters not less than four inches in length, "oleomargarine sold here" or "butterine sold here," shall be punished by a fine of one hundred dollars for the first offence and one hundred dollars for each day's neglect after conviction for the first offence.

1891, 412, s. 3

1918, 268, s. 1.

R. L. 56, s. 45.

1919, 350, ss. 34, 37.

For disposition of fine see G. L., ch. 94, s. 63 [see (10) of chapter 6 preceding].

(4)

Penalty for Peddling, etc., Oleomargarine from Any Vehicle Without Having on Both Sides Thereof a Certain Placard.

G. L., Ch. 94. SECT. 57. Whoever himself or by his agent peddles, sells, solicits orders for the future delivery of or delivers oleomargarine from any vehicle

not having on both sides of said vehicle a placard bearing the words "licensed to sell oleomargarine" in uncondensed gothic letters not less than three inches in length, shall be punished by a fine of one hundred dollars or by imprisonment for one month.

1891, 412, s. 4.

R. L. 56, s. 46.

162 Mass. 506.

1894, 280, s. 4.

158 Mass. 218.

For disposition of fine see G. L. 94, s. 63 [see (10) of chapter 6 preceding].

References.

Inspectors of milk shall institute complaints for violation of any provision of sections 49 to 58, inclusive, etc. See G. L., ch. 94, s. 60 [see (1) of chapter 6 preceding].

For definition of oleomargarine see G. L., ch. 94, s. 1 [see (3) of chapter 6 preceding].

For the labeling required for oleomargarine exposed for sale see G. L. 94, s. 49 [see (4) of chapter 6 preceding].

For the penalties for the unlawful sale of oleomargarine see G. L. 94, ss. 51, 55, 58 [see (6), (8) and (9) of chapter 6 preceding].

G.—SAUSAGES AND CHOPPED MEAT OF ANY KIND, LICENSE FOR CARRYING ON AN ESTABLISHMENT FOR THE MANUFACTURE OF.

Sect.

1. Applications for a license for carrying on such an establishment shall be made and licenses granted under section 89. Boards of health may make and enforce regulations. Violation of such regulations may be cause for revoking license after notice and a hearing.
2. Penalty for carrying on such an establishment without a license.
3. Regulations of the Health Commissioner for the conduct of sausage manufacturing establishments in the city of Boston, viz.:
 1. All construction to be such that proper sanitary conditions may be maintained.
 2. Floors.
 3. Walls and ceilings.
 4. Tables, etc., construction of.
 5. Cutters, grinders and other apparatus, construction and use of, regulated.

Sect.

3. 6. Rooms which are artificially lighted or below ground not to be used without a permit.
7. Supply of hot and cold water to be furnished.
8. Toilet facilities required. Prohibitions.
9. Fumes and odors from cauldrons, etc., not to cause a nuisance.
10. Spitting regulated. Cuspidors to be furnished.
11. Screens required against flies. Premises to be free from rats, etc.
12. The placing of meats on floor forbidden. Construction and care of racks where meat placed prescribed.
13. Clothing of employees.
14. Manner of handling meats regulated.
15. Cleanliness of hands required.
16. Proper receptacles for waste required.

I.

STATUTES.

(1)

Applications to be Granted Under Section 89. Boards of Health Authorized to Make and Enforce Regulations. Violation of Such Regulations may be Cause for Revoking License After Notice and a Hearing.

G. L., Ch. 94. SECT. 144. Each application for a license for carrying on an establishment for the manufacture of sausages and chopped meat of any kind

shall be made, and any license granted therefore shall be granted, under section 89.* The board of health of a town may make and enforce such rules and regulations as it deems necessary for the conduct of such establishments, and any license therefor may be revoked for any violations of such rules and regulations, after notice to the licensee and a hearing before said board.

1914, 325, s. 1.

(2)

Penalty for Carrying on Such an Establishment Without a License.

G. L., Ch. 94. SECT. 145. Whoever carries on an establishment for the manufacture of sausages or chopped meat of any kind without a license as provided in the preceding section shall be punished by a fine of not less than ten nor more than \$100 or by imprisonment for not more than three months, or both.

1914, 325, s. 2.

1915, s. 22.

1917, s. 11.

II.

REGULATIONS.

(3)

The Conduct of Sausage Manufacturing Establishments.

Oct. 16, 1914. Voted, to adopt the following regulations for the conduct of sausage manufacturing establishments, in accordance with the provisions of chapter 325 of the Acts of 1914.

All Construction to be Such that Proper Sanitary Conditions may be Maintained.

1. All establishments in the city of Boston used for the manufacture of sausage shall be so constructed that proper sanitary conditions may be maintained in every department.

Floors.

2. The floors shall be constructed of a smooth, impervious substance, easily cleaned and flushed and properly graded to drains connecting with sewers and shall be satisfactory to the Board of Health.

Walls and Ceilings.

3. The walls and ceilings shall be of cement, enameled tile or brick, or other smooth impervious substance.

Tables.

4. Tables, benches or stands on which sausage is prepared, must be constructed of smooth, impervious material. If wood is used, only hard wood will be approved. Wooden benches and tables must be so constructed that they can be easily taken apart and thoroughly cleaned. Wooden benches or tables showing chipped or broken surfaces will be condemned.

* See (1) of chapter 10-C preceding.

Cutters, Grinders, etc., Construction and Use Regulated.

5. All cutters, grinders, stuffers and other apparatus used in the manufacture of sausage shall be so constructed as to be readily cleaned and must be thoroughly cleansed at the end of each day's work and kept covered when not in use.

Rooms Below Ground or Artificially Lighted. Permit Required.

6. Rooms which require artificial lighting or any portion of which is below the surface of the ground, shall not be used in the manufacture of sausage unless a special permit for such use is issued by the Board of Health.

Hot and Cold Water.

7. An adequate supply of hot and cold water must be furnished at all times, and facilities for flushing provided in each room.

Toilet Facilities Required. Prohibition.

8. Ample toilet facilities must be provided for employees. No urinal or water-closet shall be maintained in any room in which sausage is prepared or stored; nor shall any urinal or water-closet be so located as to allow odors from the same to permeate such room.

Fumes and Odors from Cauldrons, etc., Not to Cause a Nuisance.

9. All cauldrons, smoke rooms and cooking apparatus must be constructed so that the fumes and odors arising therefrom do not cause a nuisance.

Spitting Forbidden. Cuspidors Required.

10. Spitting is absolutely prohibited except in receptacles provided for the purpose. Cuspidors in sufficient number must be provided.

Screens Required Against Flies. Premises to be Free from Rats, etc.

11. All windows and doors shall be properly screened against flies from May 1 to November 1. The premises must be kept free from rats, mice and vermin.

Placing of Meats on Floor Forbidden. Construction and Care of Racks.

12. Meats shall not be placed directly on the floor; all racks in which it is placed or hung shall be constructed of hard, smooth material, satisfactory to the Board of Health, and must be kept in a clean, sanitary condition.

Clothing of Employees.

13. Employees, before beginning work, must change street clothing for clean, washable outer clothing to be worn only in the establishment.

Handling of Meats. Protection from Dust.

14. Meats shall at all times be handled in a clean manner and be protected from dust and dirt.

Cleanliness.

15. Employees engaged in the handling of meats must keep themselves clean. The hands especially must be kept scrupulously clean and show no evidence of sores or cuts.

Proper Receptacles for Waste Products Required.

16. Watertight and properly covered receptacles of metal kept in a sanitary condition must be provided at each establishment for the reception of waste matter.

For effect of any violation of above regulations, see (1) preceding.

References.

(Sect. 1.) Sausage or sausage meat. When deemed to be adulterated and penalty for sale of same. G. L., ch. 94, ss. 142, 143 [see (17), (18), (19) of ch. 9 preceding].

CHAPTER II.—MARKET LIMITS.

Sect.

1. Land taken for extension of limits of Faneuil Hall Market shall not be used for any other purposes.
2. Board of Street Commissioners may from time to time extend market limits of Boston.
3. Occupation of certain streets permitted on certain days, for sale from wagons, etc., of fresh provisions and perishable produce, which are products of certain farms, or are sold at wholesale by the commission agent of certain persons, or are meat sold at wholesale by person who slaughtered same.
4. Rules for construction of ordinances. "Faneuil Hall Market" includes lower floor, porches and cellar of certain buildings. "Faneuil Hall Market limits," include Faneuil Hall Market and

Sect.

territory within a certain boundary touching North and South Market streets, Merchants row and Faneuil Hall square.

"Market limits" include the territory within a certain boundary touching Atlantic avenue, State, India, Commercial and Chatham streets, Merchants row, Faneuil Hall and Dock square, Exchange, Elm and Union streets, Haymarket square, Blackstone, Cross, North and Richmond streets, Atlantic avenue and India Wharf.

5. The superintendent of markets shall have charge of Faneuil Hall Market and Faneuil Hall Market limits. Duties relative to observing order, placing of drains and destroying diseased food.

I.

STATUTES.

(1)

Land Taken for Extension of Limits of Faneuil Hall Market Shall not be Used for any Other Purposes.

Acts 1823, Ch. 148. SECT. 1. The land taken by the city council of the city of Boston by virtue of this chapter relative to the extension of the limits of Faneuil hall market shall never be used for any other purposes than those described in this chapter without the previous consent of the legislature being obtained therefor.

(2)

Board of Street Commissioners May from Time to Time Extend Market Limits of Boston.

Acts 1896, Ch. 376. SECT. 1. The board of street commissioners of the city of Boston, with the approval of the mayor, may in the manner prescribed for laying out highways in said city, from time to time, extend the market limits of said city to the extent which they may deem to be advisable, and may take land therefor in the manner provided for taking land for highways in said city, whether such land is at the time of taking used as a highway or for any other public purpose.

(3)

Occupation of Certain Streets Permitted on Certain Days, for Sale from Wagons, etc., of Fresh Provisions and Perishable Produce, Which are Products of Certain Farms, or are Sold at Wholesale by the Commission Agent of Certain Persons, or are Meat Sold at Wholesale by Person Who Slaughtered Same.

Acts 1907, ch. 584. SECT. 8. Requirements and prohibitions contained in this act or elsewhere to the contrary notwithstanding, it shall be lawful to

occupy, without license or fee, places in the streets not including sidewalks, within the limits of Faneuil Hall Market, as the same are or may be defined in the ordinances of the city of Boston, and other market limits added under authority of chapter three hundred and seventy six of the acts of the year eighteen hundred and ninety-six, for the sale from wagons or other vehicles of fresh provisions and perishable produce: provided, that the same are the product of the farm of the person offering them for sale, or of a farm within ten miles of the residence of such person, or are to be sold at wholesale only by the party offering the same for sale on commission, for, or as agent for, some person or persons not residing or having a usual place of business within eight miles of said market; or are meats to be sold at wholesale only by the person who slaughtered the animals of which the same were a part. Such sales shall be lawful only on days on which Faneuil Hall Market is open. Nothing contained in this section shall be construed to repeal or prevent reasonable rules of police, needful for the decorum, convenience and good order of the market, and of those who buy and sell therein.

II.

ORDINANCES.

(4)

Rules for Construction of Ordinances.

R. O. 1914, Ch. 1. SECT. 4. The following rules of construction shall be observed for this and every other ordinance, unless inconsistent with the manifest intent of the city council of the context of the ordinance:

"Faneuil Hall Market" Includes Lower Floor, Porches and Cellar of Certain Buildings.

Tenth. The words "Faneuil hall market" shall include the lower floor, porches, and cellar of the buildings called respectively "Faneuil Hall" and "Quincy Market."

"Faneuil Hall Market Limits," Include Faneuil Hall Market and Territory Within a Certain Boundary Touching North and South Market Streets, Merchants Row and Faneuil Hall Square.

Eleventh. The words "Faneuil Hall market limits" shall include Faneuil Hall market as above defined, and the territory included within the following boundary, viz.: Beginning in the northerly line of North Market street extended, at a point thirty-five feet distant westerly from the sidewalk on the easterly side of Commercial street; thence parallel with and thirty-five feet distant westerly from said sidewalk, to a line thirty-five feet distant northerly from the sidewalk, on the southerly side of South Market street extended; thence by a line parallel with and thirty-five feet distant northerly from said sidewalk to Merchants row; thence diagonally across Merchants row to the nearest point in a line twenty feet distant northerly from the sidewalk on the southerly side of Faneuil Hall square; thence by a line parallel with and twenty feet outside of the sidewalk of said square and North Market street to Merchants

row; thence diagonally across said Merchants row to the northeast corner of said Merchants row and North Market street; thence by the northerly side of said North Market street to the point of beginning.

"Market Limits" Include the Territory Within a Certain Boundary Touching Atlantic Avenue, State, India, Commercial and Chatham Streets, Merchants Row, Faneuil Hall and Dock Square, Exchange, Elm and Union Streets, Haymarket Square, Blackstone, Cross, North and Richmond Streets, Atlantic Avenue and India Wharf.

Twelfth. The words "Market limits," without any words of limitation preceding them, shall include the territory bounded as follows: Beginning at the southerly corner of Atlantic avenue and State street; thence running west by the southerly line of State street to India street; thence north to the centre line of State street; thence west by the center line of State street to the line of the curbstone on the easterly side of Commercial street produced to the centre line of State street; thence north by the line of the curbstone on the easterly side of Commercial street produced to the centre of State street to a point in the curbstone on the easterly side of Commercial street opposite the corner of said street and State street; thence west across Commercial street to the westerly corner of Commercial street and State street; thence north by the westerly line of Commercial street to Chatham street; thence west by the southerly line of Chatham street and by said line produced to the westerly line of Merchants row; thence north by the westerly line, west by the southerly line, and again north by the westerly line of Merchants row to Faneuil Hall square; thence west by the southerly line and north by the westerly line of Faneuil Hall square to Dock square; thence west by the southerly line of Dock square to Exchange street; thence north by the easterly line of Exchange street produced across Dock square; thence north by the westerly line of Dock square and across Elm street to the corner of Elm and Union streets; thence north by the westerly line of Union street to the southerly corner of Friend and Union streets; thence east across Union street to the corner of Union and North streets; thence east by the northerly line and northeast by the northwesterly line of North street to Blackstone street; thence northwest by the southwesterly line of Blackstone street to Haymarket square; thence north across Blackstone street to the corner of Cross and Blackstone streets; thence southeast by the northeasterly line of Blackstone street to the corner of Blackstone and North streets; thence northeast by the northwesterly line of North street to the northeasterly corner of North and Richmond streets; thence crossing North street, southeast by the northeasterly line and east by the northerly line of Richmond street to the northerly corner of said street and Atlantic avenue; thence east by the northerly line of Richmond street produced across Atlantic avenue to the easterly side thereof; thence south by the easterly line of Atlantic avenue to the northerly corner of said avenue and India Wharf; thence west across Atlantic avenue to the northerly corner of said

avenue and India street; and thence north by the westerly line of Atlantic avenue to the point of beginning. All said Faneuil-hall market limits are shown in red, and said Market limits are shown in blue, on a plan numbered L-2826 and marked: "Faneuil Hall Market Limits and Market Limits in the City of Boston, February 16, 1897, William Jackson, City Engineer," and filed in the office of the street commissioners.

The Superintendent of Markets Shall Have Charge of Faneuil Hall Market and Faneuil Hall Market Limits. Duties Relative to Preserving Order, Placing of Drains and Destroying Diseased Food.

R. O. 1914, Ch. 22. SECT. 1. The market department of the city of Boston shall be under the charge of the superintendent of markets, who shall have the charge and control of Faneuil hall market and Faneuil hall market limits; shall preserve order therein; shall make such changes, and place or allow to be placed in said market such pipes, drains, and other appliances, as he may deem proper, and shall take and forthwith destroy any article of food which in his opinion is diseased, unwholesome, or tainted, and is kept for sale within such market limits; . . .

References.

No regulation relative to the conditions under which articles of food may be kept or exposed for sale, in order to prevent contamination thereof, adopted by the Health Commissioner in accordance with section 146 of Chapter 94 of the General Laws shall be construed as preventing the exposure of food articles for sale at retail in the Boston "market limits" on Saturdays or on the day before a holiday; but no area in said "market limits," where food articles on June 6, 1914, were not allowed to be exposed for sale at retail on these days, shall be occupied for the exposure of food articles without a permit from the board of health. G. L., 94, s. 146. See (1) of chapter 12 following.

Hawkers and pedlers may carry on business in the "Business section" as defined by the Police Commissioner (for boundaries of which see (13) of chapter 16 following), only before 8 a. m. or after 6 p. m., with the following exception, viz.: Between 3 p. m. and 11 p. m. on Saturdays and on the week day immediately preceding legal holidays and the seventeenth day of June in each year respectively, they may stop and stand, subject to the direction of the police, for the sale of merchandise outside the curbstones. Rule of the Boston Police Department established Dec. 17, 1907, see (13) of chapter 16 following.

CHAPTER 12.—MEAT AND PROVISIONS, INSPECTION OF.

Sect.

1. Boards of health may inspect the carcasses of slaughtered animals and all meats, vegetables, etc. found in their town and all veal found or kept with intent to sell therein; and for such purpose may enter any place. They shall seize all tainted meat and all veal of calves less than four weeks old when killed, and cause the same to be destroyed or disposed of otherwise than for food. Owners to be paid net receipts. Board shall notify state director of animal industry of all seizures made because of contagious disease. Boards may make and enforce, subject to approval of state department of public health, regulations as to conditions under which food may be kept for sale. Public hearing thereon. Notice. Appeal to state department of public health, for further hearing, etc. Regulations not to prevent exposure of food for sale at retail in Boston "Market limits" on certain days. Certain areas within said limits not to be occupied for exposure of food, without a permit from the health commissioner.
2. State department of public health may make certain regulations.
3. Penalty for violating certain regulations, and for failure to give certain notices.
4. Penalty for obstructing boards of health in certain cases and for secreting or removing any carcass, meat, etc. for the purpose of preventing inspection of same.
5. Penalty for selling any diseased animal, meat, vegetables, etc. for food purposes, except when packed in certain containers, without making condition fully known to buyer.
6. Penalty for killing, etc. or selling, etc. for food the veal of a calf killed when less than four weeks old.
7. Boards of health authorized to publish a description of certain places and the names of certain offenders.
8. Penalty for knowingly selling, etc. dead poultry before removal of crop and entrails if they contain food. Local boards of health required to enforce this section.
9. Courts may, upon complaint, issue a search warrant, for diseased animals or carcasses thereof, or any tainted meat, etc.

Sect.

10. Property seized under clause 6 of above section shall be destroyed or disposed of in accordance with section 146 of chapter 94 (see (1) preceding), if upon a hearing the court so finds, otherwise, they shall be returned to owner.
11. Throwing into Boston harbor, the entrails, etc. of fish, or any decayed fish; or having in possession with intent to sell, certain kinds of fish until the same have been cleansed of their entrails, etc. or having with said intent, fish of any kind unless kept in clean, covered stalls, or fish boxes, etc. forbidden.
12. Bringing into city of Boston or having in possession with intent to sell certain kinds of vegetables which have not been divested of parts not commonly used for food, or having said parts in possession in any market place or in any vehicle used for sale of food, forbidden.
13. Bringing into city or having in possession with intent to sell, any decayed or damaged fruit, etc. without a permit from Health Commissioner forbidden.
14. Regulation of the Boston Health Commissioner on the covering of foodstuffs:
 1. Conveying cut meat, etc. or keeping same in an open window, etc. or outside of a building or in any street in Boston forbidden unless covered with clean material and so placed as to be protected from dust, etc. Exception.
 2. Rooms, etc. and stands, etc. where or from which food is kept or sold, shall be maintained in a clean and wholesome condition.
 3. Outer garments of persons handling food in such rooms, etc. shall be clean, and all such persons free from contagious disease.
 4. Rooms where food prepared etc. shall not be used for domestic purposes or open directly into any room so used, unless approved by Health Commissioner; nor contain any water-closet unless so approved. Stores used for sale of food shall have such toilet facilities as the Health Commissioner may require.
 5. Use of unclean wrappings forbidden.
 6. Pedlers from wagons shall keep therein proper receptacles for waste material and dispose of same without nuisance.

I.

STATUTES.

(1)

Boards of Health may Inspect the Carcasses of all Slaughtered Animals, all Meats, Vegetables, etc., Found in their Town and all Veal Found or Kept with Intent to Sell Therein: and for Such Purpose may Enter Any Place. They Shall Seize all Tainted Meat and all Veal of Calves Less than Four Weeks Old when Killed, and Cause the Same to be Destroyed or Disposed of Otherwise than for Food. Owners to be Paid Net Receipts, if Any.

G. L., Ch. 94. SECT. 146. Each local board of health by themselves, their officers or agents, may inspect the carcasses of all slaughtered animals and all meat, fish, vegetables, produce, fruit or provisions of any kind found in their town, and all veal found, offered or exposed for sale or kept with intent to sell therein, and for such purpose may enter any place where such carcasses or articles are stored, kept or exposed for sale. If, in its opinion, said veal is that of a calf less than four weeks old when killed, or if on inspection it is found that said carcasses or articles are tainted, diseased, corrupted, decayed, unwholesome or unfit for food from any cause, the said board shall seize and cause the same to be destroyed forthwith or disposed of otherwise than for food. All money received by said board for property disposed of as aforesaid, after deducting the expenses of said seizure and disposal, shall be paid to the owner of such property.

Board Shall Notify the State Director of Animal Industry of all Seizures Made Because of Contagious Disease.

If said board seizes or condemns any such carcass or meat because affected with a contagious disease, it shall immediately give notice to the director of animal industry stating the name of the owner or person in whose possession it was found, the nature of the disease and the disposition made of said meat or carcass.

Boards may Make and Enforce, Subject to Approval of State Department of Public Health, Regulations as to Conditions Under which Food may be Kept for Sale. Public Hearing Thereon. Notice. Appeal to State Department of Public Health for Further Hearing, etc.

Local boards of health, subject to the approval of the department of public health, may make and enforce reasonable rules and regulations as to the conditions under which all articles of food may be kept or exposed for sale, in order to prevent contamination thereof and injury to the public health. Before such a board of health submits such rules and regulations to said department for approval, said board shall hold a public hearing thereon, of which notice shall be given by publication for two successive weeks, the first publication to be at least fourteen days prior to the date of the hearing, in a newspaper published in such town. Any person affected by such rules and regulations, in the form in which they are presented to said department for approval, may appeal to said department for a further hearing, and said department shall not grant its approval to rules and regulations concerning which such an appeal has been taken until it has held a public hearing thereon, advertised in the manner above set forth.

**Regulations not to Prevent Exposure of Food for Sale at Retail in Boston
"Market Limits" on Certain Days. Certain Areas Within said
"Limits" not to be Occupied for Exposure of Food, Without a
Permit from the Health Commissioner.**

No regulation adopted in accordance with this section shall be construed as preventing the exposure of food for sale at retail in the Boston "market limits," as defined in the ordinances of Boston, on Saturdays or on the day immediately preceding any holiday observed in Boston, but no area in said "market limits," where food articles on June sixth, nineteen hundred and fourteen were not allowed to be exposed for sale at retail on these days, shall be occupied for the exposure of food articles without a permit from the board of health.

1866, 253, s. 1.	1894, 491, ss. 10-13.	1912, 448; 608, ss. 1, 2, 4.
1872, 231, ss. 2, 3.	1899, 408, s. 20.	1914, 627; 792, s. 1.
1875, 29, ss. 2, 3.	R. L., 56, ss. 70, 71.	1919, 350, ss. 39-41, 44, 96.
1876, 180, ss. 2, 3.	1907, 243.	203, Mass. 602.
P. S. 58, ss. 2, 3; 208, s. 2.	1908, 411, ss. 1, 2.	4. Op. A. G. 16, 100, 390, 637.
1892, 195, s. 2.		

For penalty see (3) following.

(2)

State Department of Public Health may Make Certain Regulations.

G. L., Ch. 94. SECT. 147. The department of public health may make regulations for the inspection of meat, which shall conform to the regulations of the United States bureau of animal industry for the inspection of meat for export and for interstate commerce.

1898, 451, s. 2.	R. L., 90, s. 7.	1914, 792, s. 1.
1899, 408, s. 9.	1911, 297, s. 1.	1919, 350, s. 96.

(3)

Penalty for Violating Certain Regulations; and for Failure to give Certain Notices.

G. L., Ch. 94. SECT. 148. Whoever violates any rule or regulation of a local board of health which is approved by the department of public health shall be punished by a fine of not more than one hundred dollars.

Failure to give a notice required by section one hundred and forty-six to be given by a board of health to the director of animal industry shall be punished as provided in section twenty-eight of chapter one hundred and twenty-nine.

1907, 243.	1914, 627, 792, s. 1.
1912, 608, ss. 1, 2, 4.	1919, 350, ss. 39-41, 44, 96.

(4)

**Penalty for Obstructing Boards of Health in Certain Cases and for Secret-
ing or Removing Any Carcass, Meat, etc., for the Purpose of Prevent-
ing Inspection of Same.**

G. L., Ch. 94. SECT. 149. Whoever prevents, obstructs or interferes with a local board of health, its officers or agents, in the performance of its duties as provided in section one hundred and forty-six, or hinders, obstructs or interferes with any inspection or examination by it or them, or secretes or removes any carcass, meat, fish, vegetables, fruit or provisions of any kind, for the purpose of preventing the inspection or examination of the same under sections one hundred and forty-six, one hundred and fifty to one hundred and fifty-three, inclusive,

shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than two months, or both.

1894, 491, s. 13.

R. L., 56, s. 72.

1908, 411, s. 3.

(5)

Penalty for Selling Any Diseased Animal, Meat, Vegetables, Etc., for Food Purposes, Except when Packed in Certain Containers, Without Making Condition Fully Known to Buyer.

G. L., Ch. 94. SECT. 150. Whoever sells or offers for sale for food or drink any diseased animal or product thereof or any tainted, diseased, corrupt, decayed or unwholesome carcass, meat, fish, vegetable, produce, fruit or provisions of any kind, except when packed in such a container that upon reasonable inspection the condition of the contents thereof cannot be ascertained, without making the condition of the thing sold or offered for sale fully known to the buyer, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months, or both.

1784, 50.

1876, 180, s. 5.

1913, 687.

R. S., 131, s. 1.

P. S. 58, s. 5, 208, s. 1.

1 Pick. 524.

G. S., 166, s. 1.

1894, 491, s. 15.

11 Pick. 484.

1872, 231, s. 5.

R. L. 56, s. 73.

12 Cush. 499.

1875, 29, s. 5.

1907, 293.

(6)

Penalty for Killing, etc., or Selling, etc., for Food the Veal of a Calf Killed when Less than Four Weeks Old.

G. L., Ch. 94. SECT. 151. Whoever kills or causes to be killed or knowingly sells, offers or exposes for sale or has in his possession with intent to sell for food the veal of a calf killed when less than four weeks old shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than two months, or both.

1855, 239.

1875, 29, s. 5.

1894, 491, s. 15.

G. S. 106, s. 2.

1876, 180, s. 5.

R. L. 56, s. 74.

1866, 253, s. 1.

P. S. 208, s. 2.

97 Mass. 567.

1872, 231, s. 5.

(7)

Boards of Health Authorized to Publish a Description of Certain Places and the Names of Certain Offenders.

G. L., Ch. 94. SECT. 152. The board of health of the town where any animal or property has been condemned under section one hundred and forty-six may cause a description of the place in which such condemned property was found, the name of each person in whose possession it was found and the name of each person convicted of an offence under the two preceding sections to be published in two newspapers published in the county where such property was found.

1872, 231, s. 6.

1876, 180, s. 6.

1894, 491, s. 16.

1875, 29, s. 6.

P. S. 58, s. 6.

R. L. 56, s. 75.

(8)

Penalty for Knowingly Selling; etc. Dead Poultry Before Removal of Crop and Entrails if They Contain Food. Local Boards of Health Require to Enforce This Section.

G. L., Ch. 94. SECT. 153. Whoever knowingly sells or exposes for sale dead poultry, before it has been properly dressed by the removal of the crop and

entrails if they contain food, shall be punished by a fine of not less than five nor more than fifty dollars. Each local board of health shall cause this section to be enforced in its town.

1883, 230.

1887, 94.

R. L. 56, s. 76.

(9)

Courts May Upon Complaint, Issue Search Warrant for Diseased Animals or Carcasses Thereof, or any Tainted Meat, etc.

G. L., Ch. 276. SECT. 1. A court of justice authorized to issue warrants in criminal cases may, upon complaint on oath that the complainant believes that any of the property or articles hereinafter named are concealed in a particular house or place, if satisfied that there is reasonable cause for such belief, issue a warrant to search for the following property or articles:

Sixth, Diseased animals or carcasses thereof, or any tainted, diseased, corrupted, decayed or unwholesome meat, fish, vegetables, produce, fruit or provisions of any kind, or the meat of any calf killed when less than four weeks old or any product thereof, if kept or concealed with intent to kill, sell or offer the same for sale for food.

(10)

Property Seized Under Clause 6 of Above Section Shall be Destroyed or Disposed of in Accordance With Section 146 of Chapter 94 [See (1) Preceding] if Upon a Hearing the Court so Finds, Otherwise They Shall be Returned to Owner.

G. L., Ch. 276. SECT. 3. If an officer in the execution of a search warrant finds property or articles therein described, he shall seize and safely keep them, under the direction of the court or justice, so long as necessary to permit them to be produced or used as evidence on any trial. As soon as may be afterward, . . . ; property or other articles seized under clause six of said section (one) shall, if upon a hearing the court or justice finds that they were so kept or concealed, be destroyed or disposed of in accordance with section one hundred and forty-six of chapter ninety-four by the board of health or by an officer designated by the court or justice, otherwise, they shall be returned to the owner . . .

II.

ORDINANCES.

(11)

Throwing Into Boston Harbor, the Entrails, etc., of Fish, or Any Decayed Fish; or Having in Possession with Intent to Sell, Certain Kinds of Fish Until the Same Have Been Cleansed of Their Entrails, etc.; or Having, with Said Intent, Fish of Any Kind Unless Kept in Clean, Covered Stalls, or Fish Boxes, etc., Forbidden.

R. O. 1914, Ch. 40. SECT. 1. No person shall throw into the harbor or any of the waters surrounding the city within a line drawn

from Point Allerton to Nahant, any entrails or refuse parts of fish, or any decayed fish; nor shall any person have in his possession with intent to sell, fish of any kind, except flounders, smelts, and other small fish, salmon and shad, until the same have been cleansed of their entrails and other refuse parts, or fish of any kind unless they are kept in covered stalls or fish-boxes or covered carts, which shall be clean and in good order and well secured from the rays of the sun.

For penalty see R. O. 1914, Ch. 40, s. 92.

(12)

Bringing Into City of Boston, or Having in Possession with Intent to Sell, Certain Kinds of Vegetables Which Have Not Been Divested of Parts Not Commonly Used for Food; or Having Said Parts in Possession In Any Market Place or in Any Vehicle Used for Sale of Food, Forbidden.

R. O. 1914, Ch. 40. SECT. 2. No person shall bring into the city or have in his possession with intent to sell, or sell, any vegetables, excepting green peas and beans in the pods and green corn in the inner husks which have not previously been divested of all parts not commonly used for food; and no person shall have such parts in his possession in any market-place, or in a cart or vehicle used for the sale of vegetables or other articles of food.

For penalty see R. O. 1914, Ch. 40, s. 92.

(13)

Bringing Into City or Having in Possession with Intent to Sell, Any Decayed or Damaged Fruit, etc., Without a Permit from the Health Commissioner, Forbidden.

R. O. 1914, Ch. 40. SECT. 3. No person shall bring into the city, or have in his possession with intent to sell, any decayed or damaged fruit, vegetable or animal substance, except in accordance with a permit from the board of health.

For penalty see R. O. 1914, Ch. 40, s. 92.

III.

REGULATIONS.

(14)

The Covering of Foodstuffs.

February 12, 1913, *Ordered*, That the regulation on the covering of food-stuffs submitted by the Boston Board of Health, January

8, 1913, and approved by the State Board of Health at a meeting of that Board held on February 6, 1913, be and hereby is adopted as a regulation of the Boston Board of Health, as follows:

Conveying Cut Meat, etc., or Keeping Same in an Open Window, etc., or Outside of a Building or in Any Street of Boston, Forbidden Unless Covered With Clean Material and so Placed as to be Protected from Dust, etc., Exception.

1. Except during the process of sale or while in the act of unloading vehicles, no cut * meat, fish, shucked shell fish, dried or preserved fruits, dates, figs, cut fruits, cut melons, cracked nuts, nut meats, popped corn, candies, confectionery or bakers' products, which are intended for sale for human food, shall be conveyed from place to place, or kept in an open window or doorway, or kept outside of a building or in any public or private way of the city of Boston, unless so covered with clean material and so placed as to be protected from dust, flies and animals.

Rooms, etc., and Stands, etc., Where or From Which Food is Kept, etc., Shall be Maintained in a Clean and Wholesome Condition.

2. Every person being an occupant or lessee of any room, stall, building or other place, and every person being the owner or person in charge of any stand, case, rack, bench, pushcart or other vehicle, where or from which human food is kept, stored, sold or offered for sale, shall maintain such room, stall, building or other place, stand, case rack, bench, pushcart, other vehicle and its appurtenances in a clean and wholesome condition.

Outer Garments of Persons Handling Food in Such Rooms Shall be Clean, and All Such Persons Free from Contagious Disease.

3. All persons while engaged in the handling of articles in such room, stall, building or other place shall wear clean outer garments, and shall be free from contagious or infectious disease.

Rooms Where Food Prepared, etc., Shall Not be Used for Domestic Purposes or Open Directly Into Any Room so Used, Unless Approved by Health Commissioner; Nor Contain Any Water-closet Unless so Approved. Stores Used for Sale of Food Shall Have Such Toilet Facilities as Commissioner May Require.

4. No room in which articles of food are prepared, kept, stored, sold, or offered for sale, shall be used for domestic purposes or open directly into any room so used, unless the conditions of such room are approved by the Board of Health. In no such room shall there be a water-closet unless the same is approved by the Board of Health. All shops or stores used for the sale of articles of food shall be equipped with such lavatory accommodations as the Board of Health may order and approve.

* Includes all meat where the protective layer has been removed leaving the edible parts exposed. The meat need not be sliced to come under this section; it is enough if the portion that is to be eaten is exposed to the dust, etc.

Use of Unclean Wrappings Forbidden.

5. The use of unclean paper for the wrapping of articles of food is prohibited.

Pedlers From Wagons Shall Keep Therein Proper Receptacles for Waste Material and Dispose of Same Without Nuisance.

6. Every pedler of foodstuffs from wagons or carts, in addition to the clean covering provided for in this regulation, shall keep in his wagon or cart a water-tight and sufficient receptacle for the wastes of his business, and such wastes shall be so disposed of as not to cause a nuisance.

For penalty see G. L., ch. 94, s. 148. See (3) preceding.

CHAPTER 13.—MEDICAL MILK COMMISSION.

SECT.

1. Members of Boards of Health shall be *ex officiis* members of the Medical Milk Commission, and one of the Board shall be a member of the Board of Directors.
2. Name of corporation.

SECT.

3. Compensation to members of corporation forbidden. Penalty.
4. Contracts for milk.
5. Power of Department of Public Health.
6. Penalty for violation of preceding sections.

I.

STATUTES.

(1)

Members of Boards of Health Shall be Ex Officiis Members of the Medical Milk Commission, and One of the Board Shall be a Member of the Board of Directors.

G. L., Ch. 180. SECT. 20. (As amended by Acts 1923, Ch. 252, sec. 1.) For the purpose of supervising the production of milk, any five or more registered physicians may form a corporation under this chapter. The members of the board of health of any town where such corporation is formed shall be *ex officiis* members of the corporation. At least one member of said board of health shall be a member of the board of directors thereof.

1911, 506, s. 1.

(2)

Name of Corporation.

G. L., Ch. 180. SECT. 21. The name of such corporation shall be "Medical Milk Commission of _____," designating the name of the town where such corporation is established, and, if more than one such corporation shall be organized in any town, the subsequent corporations shall use the name designated herein, but shall indicate in such name its proper sequence in incorporation by adding thereto the words "Number Two" or "Number Three" and so forth.

1911, 506, s. 2.

(3)

Compensation to Members of Corporation Forbidden. Penalty.

G. L., Ch. 180. SECT. 22. No members of any such corporation shall receive directly or indirectly therefrom, or from any dairymen producing milk under agreement with the corporation, any salary or emolument or any compensation of any kind for any services rendered as a member of such corporation, or for any services rendered under sections twenty to twenty-five, inclusive; whoever violates this section shall be punished by a fine of one hundred dollars, and shall be removed from his office as a member of said corporation and thereafter be disqualified from becoming a member of any such corporation.

1911, 506, s. 3.

(4)

Contracts for Milk.

G. L., Ch. 180. SECT. 23. (As amended by Acts 1920, Ch. 252, sect. 2.) Every such corporation may enter into written agreements with any dairymen for the production of milk under the supervision of such corporation and prescribe in such agreements the conditions under which such milk shall be produced, which, however, shall be approved by the department of public health and, shall not fall below the standards of purity and quality for certified milk as fixed by the American Association of Medical Milk Commissions and the standards for milk fixed by law.

1911, 506, s. 4.

(5)

Power of Department of Public Health.

G. L., Ch. 180. SECT. 24. The working methods of any such corporation and the dairies in which milk is produced under contract with it shall at all times be subject to investigation by the department of public health.

1911, 506, s. 5.

1914, 792, s. 1.

1919, 350, s. 96.

(6)

Penalty for Violation of Preceding Sections.

G. L., Ch. 180. SECT. 25. Whoever sells or exchanges, or offers or exposes for sale or exchange as and for certified milk any milk not conforming to the regulations prescribed by and bearing the certifications of a corporation organized under sections twenty to twenty-five, inclusive, shall be punished by a fine of not more than one hundred dollars.

1911, 506, s. 6.

CHAPTER 14.—MILK, INSPECTION OF.

Sect.

1. Boards of health of cities shall appoint control and fix compensation of inspectors of milk and collectors of samples of milk. Certain persons not eligible for appointment as inspector. Oath of office and publication of notice of appointment. Removal.
2. Boards may designate certain persons as collectors of samples of milk.
3. Inspectors of milk. Duties. Enforcement of the laws as to the milk supply, and shall make complaint for violation of certain sections, upon information, etc. Office. Records. [Inspectors and collectors of samples of milk may enter any place where milk produced, etc., and any vehicle used for its conveyance and take therefrom samples for analysis. A portion of such sample and a receipt shall be given upon request. Inspectors shall cause each sample to be analyzed, and shall record result as evidence; but such evidence shall not be received if portion of sample not given as requested. Exemption in case of milk in the course of interstate commerce.
4. Analysis of samples. Inspectors of milk, etc., shall within ten days after obtaining result of analysis, send it to person from whom sample taken, etc.
5. Producers of milk not to be liable to prosecution unless milk below standard was taken on their premises, or while in their possession and control by inspector, etc., and a sealed sample given on demand; nor unless they shall fail to bring milk to legal standard within twenty days after notice. After such period a second sample may be taken.
6. Legal standard for milk, for skimmed milk and for cream established.
7. Sale of milk produced under conditions which are not subject to inspection, prohibited.
8. Containers of certain evaporated, etc., milk and of evaporated, etc., skimmed milk, shall have printed thereon a formula for extending such milk and skimmed milk, with water. Such

Sect.

- formulas shall be such that the resulting milk product shall not be below legal standard for milk and skimmed milk. Form prescribed.
9. Adding fat or oil (other than milk fat) to milk for purposes of sale; or blending etc., same with such milk; or selling such milk with such fat added, etc. prohibited. Penalty.
 10. Sale, etc., of certain milk prohibited, viz.: (1) adulterated milk, (2) milk to which water has been added, (3) milk from cows fed on refuse of distilleries, (4) milk from diseased cows, (5) sale, etc., as pure milk, of milk from which cream has been removed, (6) skimmed milk not conforming to legal standard, or (7) any heated milk or skimmed milk not having container marked in a certain way. If such container of not more than a certain capacity, detachable label permitted. Penalty for violation of any provision of section. Exemption in case of condensed milk or milk concentrated to a certain volume, from provisions of section relating to heated milk. "Heated" milk defined.
 11. Penalty for selling, etc., milk not conforming to legal standard.
 12. Penalty for selling, etc., cream not conforming to legal standard.
 13. Penalty for sale, etc., of certain milk for pasteurized milk.
 14. Penalty for sale, etc., of condensed milk or condensed skimmed milk in sealed cans without a certain label and for sale, etc., of condensed milk from unsealed cans without a certain label.
 15. Penalty for sale, etc., of any container of evaporated, etc., milk or skimmed milk not marked in a certain manner.
 16. Penalty for the connivance by inspector in a violation of certain sections and for hindering inspector in performance of his duty.
 17. Penalty for making, etc., a counterfeit of a seal used by an inspector of milk, etc., and for changing, etc., a sample taken or sealed as provided in section 35.
 18. General penalty.

I.

STATUTES.

(1)

Boards of Health of Cities Shall Appoint, Control and Fix Compensation of Inspectors of Milk and Collectors of Samples of Milk. Certain Persons not Eligible for Appointment as Inspector. Oath of Office and Publication of Notice of Appointment. Removal.

G. L., Ch. 94. SECT. 33. The board of a city shall, and the board of health or the selectmen acting as such board of a town may, appoint one or more inspectors of milk and one or more collectors of samples of milk, who shall have the powers, and perform the duties, conferred and imposed by law upon such inspectors and collectors, who shall be under the control of, and whose compensation shall be fixed by the board appointing him or them; but no person whose business, in whole or in part, is the buying or selling of milk, or who is an officer, agent or employee of any person engaged in the sale thereof, shall be appointed as such inspector. Each person so appointed shall be sworn before entering upon his official duties and each such inspector shall publish a notice of his appointment for two successive weeks in a newspaper published in his town, if any; otherwise he shall post such notice in two or more public places therein. Such inspectors may be removed in cities in the manner provided in sections forty-three and forty-five of chapter thirty-one, and in towns at any time, by the appointing board.

1859, 206, ss. 1, 3.

1885, 352, s. 4.

P. S. 57, s. 12.

1884, §10, s. 3.

1910, 114, 457.

R. L. 56, ss. 51, 52.

1909, 405, ss. 1, 2, 4.

1864, 122, ss. 1, 2.

G. S. 49, s. 148.

1886, §18, s. 1.

(2)

Boards may Designate Certain Persons as Collectors of Samples of Milk.

G. L., Ch. 94. SECT. 34. Any board mentioned in the preceding section may designate and employ any member of the board or any agent or employee thereof as a collector of samples of milk.

1909, 405, s. 2.

(3)

Inspectors of Milk. Duties. Enforcement of the Laws as to the Milk Supply, and Shall Make Complaint for Violation of Certain Sections upon Information, etc. Office. Records. Inspectors and Collectors of Samples of Milk may Enter Any Place Where Milk Produced, etc., and Any Vehicle Used for its Conveyance and Take Therefrom Samples for Analysis. A Portion of Such Sample and a Receipt Shall be Given upon Request. Inspectors Shall Cause Each Sample to be Analyzed, and Shall Record Result as Evidence; But Such Evidence Shall not be Received if Portion of Sample not Given as Requested. Exemption in Case of Milk in the Course of Interstate Commerce.

G. L., Ch. 94. SECT. 35. Each inspector of milk shall enforce in his town the laws as to the milk supply, and shall make complaint for a violation of any provision of sections nineteen to twenty-eight, inclusive, thirty-three, thirty-eight to forty, inclusive, and forty-three, upon the information of any person laying before him satisfactory evidence whereby to sustain such complaint. He shall

keep an office and shall record, in books kept for the purpose, the name and place of business of each person engaged in the sale of milk within such town. Each inspector of milk or collector of samples of milk may enter each place where milk is produced, stored or kept for sale and each vehicle used for its conveyance, and take therefrom samples for analysis. Upon request made when any sample is taken, he shall seal and deliver to the owner or person from whose possession the milk is taken a portion of each sample, and a receipt therefor shall be given to him. Each inspector of milk shall cause each sample to be analyzed or otherwise satisfactorily tested, and shall record and preserve as evidence the results thereof; but no evidence of the result of such analysis or test shall be received if such inspector or collector refuses or neglects to seal and deliver, upon request as above provided, a portion of such sample to the owner or person from whose possession it is taken. This section shall not apply to milk in the course of interstate commerce.

1859, 206, s. 1, 3.
1868, 263, s. 3.
1885, 352, s. 4.
1916, 134.
143 Mass. 172, 418.
216 Mass. 126.
G. S. 49, s. 149.

1869, 150, s. 3.
1886, 319, ss. 1, 3.
11 Allen, 264.
144 Mass. 132.
1860, 165, s. 2.
P. S. 57, ss. 2, 10.
R. L. 56, ss. 52, 64.

132 Mass. 12.
146 Mass. 38.
1864, 122, s. 2.
1884, 310, ss. 3, 4.
1914, 744, s. 6.
141 Mass. 229, 135.
157 Mass. 460.

(4)

Analysis of Samples. Inspectors of Milk, etc., Shall, Within Ten Days After Obtaining Result of Analysis, Send it to Person From Whom Sample, Taken, etc.

G. L., Ch. 94. SECT. 36. An officer of the (state) department of public health or of the (state) division of dairying and animal husbandry of the department of agriculture, an inspector of milk or collector of samples of milk, or other officer of the commonwealth or of a city or town who obtains a sample of milk for analysis shall, within ten days after obtaining the result of the analysis, send it to the person from whom the sample was taken or to the person responsible for the condition of such milk.

1899, 169.
R. L. 56, s. 63.
1914, 792, s. 1.

1918, 268, s. 1.
1919, 350, ss. 34, 37, 96.

176 Mass. 292.
2 Op. A. G. 50.

(5)

Producers of Milk not to be Liable to Prosecution Unless Milk Below Standard Was Taken on Their Premises, or While in Their Possession and Control by Inspector, etc., and a Sealed Sample Given on Demand; nor Unless They Shall Fail to Bring Milk to Legal Standards Within 20 Days After Notice. After Such Period a Second Sample May be Taken.

G. L., Ch. 94. SECT. 37. No producer of milk shall be liable to prosecution for the reason that the milk produced by him is not of good standard quality unless such milk was taken upon his premises or while in his possession or under his control by an inspector of milk, collector of samples of milk or agent of the (state) division of dairying and animal husbandry of the department of agriculture or of the (state) department of public health, and a sealed sample thereof was given to such producer upon demand, nor unless he shall fail to bring the milk

produced by him to the legal standard for milk solids and milk fat within twenty days after written notice that it is below said standard has been sent to him by the officer taking said sample. At any time after such period of twenty days has elapsed, any such officer may take a second sample, and if it is found to be below the legal standard for milk solids and milk fat prosecution may follow.

1894, 425.	1914, 792, s. 1.	165 Mass. 38.
R. L. 56, s. 62.	1918, 268, s. 1.	229 Mass. 14.
1910, 641, s. 1.	1919, 350, ss. 34, 37, 96.	

(6)

Legal Standard for Milk for Skimmed Milk and for Cream Established.

G. L., Ch. 94. SECT. 12. The Massachusetts legal standard for milk shall be milk which upon analysis is shown to contain not less than twelve per cent of milk solids and not less than three and thirty-five hundredths per cent of milk fat. The Massachusetts legal standard for skimmed milk shall be skimmed milk containing not less than nine and three-tenths per cent of milk solids exclusive of milk fat. The Massachusetts legal standard for cream shall be cream which upon analysis is shown to contain not less than fifteen per cent of milk fat.

1880, 209, s. 7.	1899, 223.	189 Mass. 342.
1896, 398, s. 2.	1917, 189.	1886, 318, s. 2.
1908, 643.	143, Mass. 418	1907, 216.
132 Mass. 11.	1885, 352, ss. 6, 8.	184 Mass. 207.
Op. A. G. (1920) 112.	R. L. 56, ss. 55, 56.	205 Mass. 384.
P. S. 57, s. 9.	139 Mass. 193.	

(7)

Sale of Milk Produced Under Conditions Which are not Subject to Inspection Prohibited.

G. L., Ch. 94. SECT. 16. No milk shall be sold in the commonwealth unless the conditions under which it is produced are subject to the inspection provided by law.

1910, 633, s. 3.

(8)

Containers of Certain Evaporated Milk, etc., and of Evaporated Skimmed Milk, etc., Shall Have Printed Thereon A Formula for Extending Such Milk and Skimmed Milk with Water. Such Formulas Shall be Such That the Resulting Milk Product Shall not be Below Legal Standard for Milk and Skimmed Milk Form Prescribed.

G. L., Ch. 94. SECT. 17. Each container of evaporated, concentrated or condensed milk, and of evaporated, concentrated or condensed skimmed milk, sold or offered for sale or had by any person in possession or custody with intent to sell shall have plainly printed thereon or attached thereto on some firmly affixed tag or label, a formula in the English language for extending such milk or skimmed milk with water. The formula for the extension of said evaporated, concentrated or condensed milk shall be such that the resulting milk product shall not be below the Massachusetts standard of milk solids or fat for milk, and shall be in the following form: "By adding . . . parts of water to one part of the contents of this can a resulting milk product will be obtained which will not be below the legal standard for milk." The formula for the extension of said

evaporated, concentrated or condensed skimmed milk shall be such that the resulting milk product shall not be below the Massachusetts standard of milk solids for skimmed milk, and shall be in the following form: "By adding . . . parts of water to one part of the contents of this can a resulting milk product will be obtained which will not be below the legal standard for skimmed milk."

1911, 610, s. 1.

1912, 474, s. 1.

For penalty, see G. L. c. 94, s. 24 [see (12) following.]

(9)

Adding Fat or Oil (Other than Milk Fat), for Purposes of Sale, to Milk, etc., or Blending, etc., Same with Such Milk; or Selling Such Milk with Such Fat Added, etc., Prohibited. Penalty for Violation of Section.

G. L., Ch. 94. SECT. 17A (enacted by Acts 1923, Ch. 170). No person himself or by his servant or agent shall, for the purposes of sale or exchange, add any fat or oil other than milk fat to, or blend or compound the same with, any milk, cream or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried or desiccated, nor shall any person himself or by his servant or agent sell, exchange or deliver, or have in possession with intent to sell, exchange or deliver, or expose or offer for sale or exchange, any milk, cream or skimmed milk in any of the aforesaid forms to which has been added or with which has been blended or compounded any fat or oil other than milk fat. Whoever violates any provision of this section shall be punished by the penalties prescribed by section twenty-four.

1923, c. 170.

(10)

Sale, etc. of Certain Milk Prohibited, Viz: (1) Adulterated Milk, (2) Milk to Which Water has been Added, (3) Milk from Cows Fed on Refuse of Distilleries, (4) Milk from Diseased Cows, (5) Sale, etc. as Pure Milk, or Milk from Which Cream has been Removed; (6) Skimmed Milk not Conforming to Legal Standard, or (7) any Heated Milk or Skimmed Milk not having Container Marked in a Certain Way. If Such Container of not More than a Certain Capacity, Detachable Label Permitted. Penalty for Violation of any Provision of Section. Exemption in Case of Condensed Milk or Milk Concentrated to a Certain Volume, from Provisions of Section Relating to Heated Milk.

G. L., Ch. 94. SECT. 19. No person himself or, by his servant or agent shall sell, exchange or deliver or have in his custody or possession with intent so to do, or expose or offer for sale or exchange, any adulterated milk* or milk to which water or any foreign substance has been added, or milk produced from cows which have been fed on the refuse of distilleries, or from sick or diseased cows, or, as pure milk, milk from which the cream or a part thereof has been removed and no person shall sell, exchange or deliver or have in his custody or possession with intent so to do any skimmed milk not conforming to the Massachusetts standard, or any heated milk† or skimmed milk not having the words "heated milk" or "skimmed milk," as the case may be, distinctly marked upon

* Includes all the milk of commerce and not simply cows' milk. 9 Allen, 489.

† "Heated milk" as used in Chapter 94, G. L., shall mean milk which has been subjected to artificial heat greater than 167 degrees Fahrenheit. G. L., ch. 94, s. 1. (1908, 570, s. 1.)

a light ground in plain black uncondensed gothic letters at least one inch in length in a conspicuous place upon each vessel, can or package from or in which such milk is or is intended to be sold, exchanged or delivered. If such vessel, can or package is of the capacity of not more than two quarts, said words may be placed upon a detachable label or tag attached thereto and said letters may be less than one inch in length, but not smaller than brierley gothic capital letters. Whoever violates any provision of this section shall be punished for the first offence by a fine of not less than fifty nor more than two hundred dollars, for the second offence by a fine of not less than one hundred nor more than three hundred dollars, and for a subsequent offence by a fine of fifty dollars and by imprisonment for not less than two nor more than three months.

Nothing in this section referring to heated milk shall be construed as applying to condensed milk or to milk which has been concentrated to one half its volume or less.

1856, 222.	1896, 398, s. 1.	143 Mass. 169, 172, 418.
1859, 206, ss. 4, 5.	1900, 300, s. 1.	144 Mass. 357.
G. S. 49, s. 151.	R. L. 56, ss. 55, 58.	146 Mass. 38, 128, 512.
1860, 165, s. 1.	1807, 570, ss. 1, 2.	149 Mass. 9.
1863, 140, s. 2.	9 Allen, 489.	153 Mass. 159.
1864, 122, s. 4.	10 Allen, 199.	155 Mass. 442.
1848, 263, s. 1.	11 Allen, 264.	159 Mass. 8.
1869, 150, ss. 1, 2.	103 Mass. 444.	160 Mass. 533.
1870, 311.	107 Mass. 194.	165 Mass. 38.
1872, 319, ss. 1-3.	130 Mass. 42.	205 Mass. 384.
1880, 209, s. 305.	132 Mass. 11.	209 Mass. 30, 38.
P. S. 57, ss. 5-7.	139 Mass. 193.	218 Mass. 24.
1885, 352, ss. 7, 8.	140 Mass. 483.	221 Mass. 68.
1886, 318, s. 2.	141 Mass. 129.	Op. A. G. (1920), 112.

(11)

Penalty for Selling etc., Milk not Conforming to Legal Standard.

G. L., Ch. 94. SECT. 20. Whoever himself or by his agent sells, exchanges or delivers or has in his custody or possession with intent so to do milk not conforming to the Massachusetts standard shall be punished for the first offence by a fine of not more than fifty dollars, for the second offence by a fine of not less than one hundred nor more than two hundred dollars, and for a subsequent offence by a fine of not more than two hundred dollars or by imprisonment for not more than three months.

1889, 209, s. 4.	R. L. 56, s. 57.	205 Mass. 384.
P. S. 57, s. 6.	1910, 641, s. 2.	210 Mass. 109.
1886, 318, s. 2.	184 Mass. 209.	218 Mass. 24.
1900, 300, s. 2.	189 Mass. 342.	224 Mass. 14.

(12)

Penalty for Selling, etc., Cream not Conforming to Legal Standard.

G. L., Ch. 94. SECT. 21. Whoever himself or by his agent sells, exposes for sale or has in his custody or possession with intent to sell, cream not conforming to the Massachusetts standard as defined in section twelve, shall for the first offence be punished by a fine of not more than fifty dollars, for the second offence by a fine of not less than fifty nor more than one hundred dollars, and for a subsequent offence by a fine of not less than one hundred nor more than two hundred dollars.

(13)

Penalty for Sale, etc., of Certain Milk for Pasturized Milk.

G. L., Ch. 94. SECT. 22. Whoever sells, exchanges, delivers, advertises, represents or describes, or offers or exposes for sale, or has in his possession with intent to sell as pasteurized milk,* milk not pasteurized as denfied in section one, shall for the first offence be punished by a fine of not less than ten dollars, and for a subsequent offence by a fine of not more than one hundred dollars.

1917, 259, ss. 2, 3.

(14)

Penalty for Sale, etc., of Condensed Milk or Condensed Skimmed Milk in Sealed Cans Without a Certain Label, and for Sale, etc., of Condensed Milk from Unsealed Cans Without a Certain Label.

G. L., Ch. 94. SECT. 23. Whoever sells, or offers for sale or exchange, condensed milk or condensed skimmed milk in hermetically sealed cans without having such cans distinctly labeled with the name of the manufacturer of such milk, the brand under which it is made and the contents of the can; and whoever sells condensed milk from cans or packages not hermetically sealed without having such cans or packages branded or labeled with the name of the manufacturer, shall be punished as provided in section nineteen.

1896* 264.

R. L. 56, s. 59.

209, Mass. 32.

(15)

Penalty for Sale, etc., of any Container of Evaporated, etc., Milk or Skimmed Milk not Marked in a Certain Manner.

G. L., Ch. 94. SECT. 24. Whoever himself or by his servant or agent sells, changes or delivers, or has in his custody or possession with intent so to do, any container of evaporated, concentrated or condensed milk or skimmed milk not marked or labeled in compliance with section seventeen, shall for the first offence be punished by a fine of not more than one hundred dollars, for the second offence by a fine of not less than one hundred nor more than two hundred dollars, and for a subsequent offence by a fine of five hundred dollars or by imprisonment for not less than three nor more than six months.

1911, 610, s. 2.

(16)

Penalty for the Connivance by Inspector in a Violation of Certain Sections and for Hindering Inspector in Performance of His Duty.

G. L., Ch. 94. SECT. 38. An inspector of milk or a collector of samples of milk who wilfully connives at or assists in a violation of sections nineteen, twenty, twenty-three, thirty-nine, forty and one hundred and forty-six, or any person who hinders, obstructs or interferes with such an inspector or collector in the performance of his duty, shall, except as provided in section sixty, be punished by a fine of not less than one hundred nor more than three hundred dollars or by imprisonment for not less than one nor more than two months.

1880, 209, s. 6.

1884, 310, s. 5.

141 Mass. 135.

P. S. 57, s. 8.

R. L. 56, s. 61.

The authority to take, against the will of the owner, samples of milk cannot be delegated by an inspector to an agent or assistant. Commonwealth v. Smith, 141 Mass. 135.

* "Pasteurized milk" as used in Chapter 94, G. L., shall mean natural cows' milk not more than 72 hours old, when pasteurized, subjected for a period of not less than 30 minutes to a temperature of not less than 140, nor more than 145, degrees Fahrenheit, and immediately there after cooled to a temperature of 50 degrees, Fahrenheit or lower. G. L., ch. 94, s. 1, (1917, 259, s. 1).

(17)

Penalty for Making, etc., a Counterfeit of a Seal Used by an Inspector of Milk, etc.; and for Changing, etc., a Sample taken or Sealed as Provided in Section 35.

G. L., Ch. 94. SECT. 39. Whoever makes, causes to be made, uses or has in his possession, an imitation or counterfeit of a seal used by an inspector of milk, collector of samples of milk or other officer engaged in the inspection of milk, and whoever changes or tampers with a sample taken or sealed as provided in section thirty-five, shall be punished by a fine of one hundred dollars and by imprisonment for not less than three nor more than six months.

1886, 318, s. 4.

1896, 398, s. 3.

R. L. 56, s. 60.

(18)

General Penalty.

G. L., Ch. 94. SECT. 306. Unless another penalty is provided in this chapter, whoever counterfeits any brand required by this chapter or whoever without authority marks or brands any article required to be inspected, or marks or brands such article with a counterfeited brand, shall be punished by a fine of not more than two hundred dollars; and whoever alters or defaces any marks or brands made by an inspector of milk or collector of samples of milk under this chapter, unless another penalty is provided, shall be punished by a fine of not more than twenty-five dollars.

R. S. 28, s. 56.

G. S. 49, s. 20.

P. S. 56, s. 13.

R. L., 56, s. 2.

References.

For duties of the state director of the Massachusetts Agricultural experiment station relative to the testing of bottles, pipettes and other measuring utensils used for determining the value of milk or cream; to the inspection of Babcock or other centrifugal machines used by inspectors of milk in determining the composition or value of milk or cream for the purposes of inspection or by any person as a basis for payment in buying or selling; and to the issuance of certificates of competency in the use of such machines, see G. L. c. 94, ss. 25-31, inclusive.

CHAPTER 15.—OFFENSIVE TRADES, ASSIGNMENT OF PLACES FOR.

Sect.

1. Boards of health authorized to assign from time to time certain places for the exercise of any trade or employment which is a nuisance, etc., or is attended by noisome and injurious odors; and may prohibit the exercise thereof in places not so assigned. Such assignments to be entered in records of city and may be revoked when board deems proper.
2. Superior Court may, on complaint, revoke any assignment, etc., if a place or building so assigned becomes a nuisance.
3. Damages sustained by any person from such nuisance may be recovered in tort.
4. Orders of prohibition how served and upon whom. Board to take measures to prevent exercise of trade so prohibited. Penalty for refusal to obey such orders.
5. Whoever is aggrieved by any such order may within three days after service of order upon him, give written notice of appeal to board, and file petition for jury in Superior Court. Trial. Extension of time for applying for a jury in certain cases.
6. Trade not to be exercised contrary to order pending appeal unless specially authorized by Board. Penalty.
7. Verdict of jury, if accepted by court, to have effect of a valid order of Board and may be enforced by a court in equity.
8. Board to recover costs if order affirmed; if annulled, petitioner to recover damages and costs in certain cases, etc., and in certain cases court may render judgment for costs.
9. Bringing, etc., poultry into Boston forbidden without a permit from the Health Commissioner. Revocation. Plucking poultry forbidden except at assigned places. Bringing, etc., carcasses of unplucked poultry into city forbidden.
10. The exercise of certain trades or employments, within the limits of the city of Boston forbidden, except at such places as may be assigned by the Health Commissioner.

Sect.

11. Rules for the government of the business of keeping, killing and plucking and offering for sale chickens, etc., as conducted in places assigned for such business by the Health Commissioner.
 1. Permit required.
 2. Surrender of permits.
 3. Selling poultry unless plucked on premises forbidden. Exception.
 4. Sale for delivery at another assigned location permitted and to licenses; record of sale shall be kept, by lessee.
 5. Sale on condition fowl not kept within city limits, permitted. Record.
 6. Keeping or sale of fowl unfit for food forbidden.
 7. Poultry dying in transit, etc., shall not be sold for food.
 8. Location, construction and size of coops prescribed.
 9. Construction and drainage of floors, walls and ceilings.
 10. Hot and cold water supply. Cleaning when to be done.
 11. Screening required.
 12. Separation of office required.
 13. Construction, water supply and drainage of killing troughs. Water supply for cleaning room.
 14. Separation of toilet rooms required. Number, size and fittings prescribed. Lighting, ventilation and location.
 15. Work clothes of employees.
 16. Incineration of rubbish required.
 17. Nuisances from loading and unloading forbidden without special permit.
 18. Utensils, etc., when to be cleaned.
 19. Killing at other than certain hours forbidden without special permit.
 20. Dressed poultry shall be hung on racks.
 21. Dressed poultry shall be transported only in clean containers. Clean paper required when burlap bags used.
 22. Grain chests shall be rat proof.
 23. Rooms for drying and storing feathers, required.

I.

STATUTES.

(1)

Assignment of Places for Offensive Trades.

G. L., Ch. 111. SECT. 143. Boards of health may from time to time assign certain places for the exercise of any trade * or employment which is a nuisance or hurtful to the inhabitants, injurious to their estates, dangerous to the public health, or is attended by noisome and in jurious odors, and may prohibit † the exercise thereof within the limits of the town or in places not so assigned. Such assignments shall be entered in the records of the town, and may be revoked when the board shall think proper.

1692-3, 23, s. 1.	P. S. 80, s. 84.	135 Mass. 526.
1696, 13.	R. L. 75, s. 91.	151 Mass. 563.
1710-11, 8, s. 1.	16 G ay 231.	181 Mass. 565.
1785, 1, s. 1.	8 Allen 325.	183 Mass. 491.
R. S. 21, s. 47.	11 Allen 398.	190 Mass. 442.
1855, 391, s. 1.	97 Mass. 221.	214 Mass., 587.
G. S. 26, s. 52.	116 Mass. 254.	

(2)

Revocation of Assignment by Superior Court.

G. L., Ch. 111. SECT. 144. If a place or building, so assigned becomes a nuisance by reason of offensive odors or exhalations therefrom, or is otherwise hurtful or dangerous to the neighborhood or to travelers, the superior court may, on complaint of any person, revoke such assignments, prohibit such further use of such place or building, and cause the nuisance to be removed or prevented.

(3)

Damages.

G. L., Ch. 111. SECT. 145. Whoever is injured in the comfort or enjoyment of his estate by such nuisance may recover in tort the damages sustained thereby.

1799, 75, s. 2.	G. S. 26, s. 54.	R. L. 75, s. 93.
R. S. 21, s. 49.	P. S. 80, s. 86.	

(4)

Service of Orders of Prohibition. Penalty for Disobeying Order.

G. L., Ch. 111. SECT. 146. Orders of prohibition issued under section one hundred and forty-three shall be served by an officer qualified to serve civil pro-

* This includes slaughter houses even though licensed under G. L., Ch. 94, Sect. 118. *Cambridge vs. Trelegan*, 181 Mass. 565.

An order of the board of health under above section is not in the nature of an adjudication of a particular case, but of a general regulation of the trade or employment mentioned. *Taunton vs. Taylor*, 116 Mass. 261.

Local boards of health may properly make regulations as to the mode of conducting offensive trades. It may be that such regulations must be enforced when not obeyed, by absolute prohibition; and it may be that the order making the regulations would of itself be an order of prohibition to the conducting them in any other mode. *Sawyer vs. State Board of Health*, 125 Mass. 196.

Except so far as the above section extends, the remedy by indictment at common law for a nuisance in carrying on an unlawful and offensive trade is not superseded. *Commonwealth vs. Rumford Chemical Works*, 16 Gray 231.

The order of prohibition which the board of health is authorized to issue by above section, may be made without previous notice to parties interested. *Beleher vs. Farrar*, 8 Allen 325. 125 Mass. 191.

† For penalty for disobeying such order of prohibition see (4) following.

cess upon the occupant or person having charge of the premises where such trade or employment is exercised, and the board shall take all necessary measures to prevent such exercise. Whoever refuses or neglects for twenty-four hours thereafter to obey the same shall forfeit not less than fifty nor more than five hundred dollars.

1855, 391, s. 2.
G. S. 26, s. 55.
P. S. 80, s. 87.

R. L. 75, s. 94.
8 Allen, 325.

116 Mass. 254.
190 Mass. 442.

(5)

Appeal from Order. Petition for Jury.

G. L., Ch. 111. SECT. 147. Whoever is aggrieved by an order made under section one hundred and forty-three or one hundred and fifty-two may, within three days, after service of the order upon him, give written notice of appeal to the board, and file a petition for a jury in the superior court in the county where the premises affected are located, and, after notice to the board, may have a trial in the same manner as other civil cases are tried by jury. If by mistake of law or fact or by accident he fails within said three days to apply as aforesaid, and if it appears to the court that such failure was caused by such mistake or accident, and that he has not, since the service of such order upon him, violated it, he may within thirty days after the service of the order upon him apply for a jury.

1855, 391, s. 3.
G. S. 26, s. 56.
1865, 26a.
P. S. 80, s. 88.

1883, 133.
1889, 193, s. 1.
R. L. 75, s. 95.
125 Mass. 182.

135 Mass. 526.
183 Mass. 4v1.
190 Mass. 442.

(6)

Trade Not to be Exercised Pending Appeal Unless Specially authorized.

G. L., Ch. 111. SECT. 148. Such trade or employment shall not be exercised contrary to the order while such proceedings are pending unless specially authorized by the board; and if so specially authorized all further proceedings by the board shall be stayed while such proceedings are pending. Upon any violation of the order, unless specially authorized as aforesaid, the proceedings shall forthwith be dismissed.

1855, 391, s. 4.
G. S. 26, s. 57.

P. S. 80, s. 80.
1889, 193, s. 1.

R. L. 75, s. 96.

(7)

Effect of Verdict.

G. L., Ch. 111. SECT. 149. The verdict may alter, affirm or annul the order and shall be returned to the court for acceptance; and if accepted, shall have the authority and effect of a valid order of the board, and may also be enforced by the court in equity.

1855, 391, s. 5.
G. S. 26, s. 58.

P. S. 80, s. 90.
1899, 193, s. 2.

R. L. 75, s. 97.

(8)

Costs.

G. L., Ch. 111. SECT. 150. If the order is affirmed by the verdict, the board shall recover costs to the use of the town; if it is annulled and the petitioner

has not been specially authorized by said board to exercise such trade or employment during the proceedings, he shall recover damages and costs against the town; if it is annulled and the petitioner has been specially authorized as aforesaid, or if it is altered, he shall not recover damages, and the court may render judgment for costs in its discretion.

1855, 391 s. 6.
G. S. 26, s. 59.

P. S. 80, s. 91.
1889, 193, s. 1.

R. L. 75, s. 98.

II.

REGULATIONS.

(9)

Bringing, etc., Live Chickens, etc., into Boston Forbidden Without a Permit from the Health Commissioner. Revocation. Plucking of Poultry Forbidden Except at Assigned Places. Bringing, etc., Carcasses of Unplucked Poultry into City Forbidden.

Reg. July 16, 1896. (As amended July 24, 1900, and further amended Oct. 17, 1904.) It was voted to pass the following regulation:

That no live chickens, geese, turkeys, ducks or other fowls shall be brought into or kept or held or offered for sale or killed in any place in the city of Boston without a permit therefor in writing from the Health Commissioner, which permit shall be subject to revocation by said Commissioner at any time.

That no carcass of poultry shall be plucked in said city except in such places as are now or may hereafter be assigned by said Commissioner for such purpose.

That no carcass of unplucked poultry shall be brought into or exposed or offered for sale or sold in said city.

For penalty see G. L., Ch. 111, sect. 122 [see (1) of chapter 14, Part IV., preceding.]

(10)

The Exercise in Boston of Certain Trades Forbidden, Except at such Places as may be Assigned by the Health Commissioner.

Reg. Oct. 12, 1896. (As amended Aug. 22, 1901 and further amended May 9, 1908.) It was voted to pass the following regulation: The Health Commissioner hereby forbids the exercise of the trades or employments of slaughtering animals; killing fowls or keeping them for the purpose of plucking or killing; rendering animal matter (except fresh tallow); manufacturing fertilizers; mixing or sorting refuse, animal or vegetable substances; smoking fish or meat; keeping, sorting or breaking or otherwise handling rotten or offensive

eggs; refining oils; or making varnish, asphaltum, glue, gas, gasoline or any burning fluid within the limits of the city of Boston, except at such place or places as may be assigned by said Commissioner; such trades or employments being nuisances, hurtful to the inhabitants of said city, dangerous to the public health, attended by noisome and injurious odors, and otherwise injurious to the estate of said inhabitants.

For penalty, see G. L., Ch. 111, sect. 146 (4), preceding.

(11)

Rules for the Government of the Business of Keeping, Killing and Plucking and Offering for Sale Chickens, etc., as Conducted in Places Assigned for Such Business by the Health Commissioner.

March 13, 1923. Ordered: That the rules of the Board of Health adopted April 15, 1915, concerning places assigned for keeping, killing and selling poultry, be, and the same are hereby repealed, and the following rules adopted and promulgated by the Health Commissioner in lieu thereof:

Permit Required.

1. Persons desiring to keep and kill fowl at an assigned location must first obtain a written permit from the Health Commissioner.

Surrender of Permits.

2. All persons to whom have been issued permits to conduct business at assigned locations shall surrender permits when they cease to do business at said locations, and said permits shall then become null and void.

Selling Poultry Unless Plucked on Premises, Forbidden. Exception.

3. All poultry sold upon these premises (except as hereinafter provided) shall be killed and completely plucked therein.

Sale for Delivery at Other Assigned Locations and to Licensees Permitted; Record of Sale Shall be Kept by Lessee.

4. Live fowl may be sold to be delivered at another assigned location for keeping, killing and selling poultry, there to be killed and plucked; or live fowl may be sold to be delivered to a person holding a permit for the keeping of live fowl for family purposes; and a record of the transaction shall be kept in a book provided and kept for the purpose by the lessee of the premises, stating when the sale was made, by whom, to whom number of fowl sold, and the place where they are to be kept.

*Sale on Condition Fowl Not Kept Within City Limits, Permitted.
Record.*

5. Live fowl may be sold, not to be kept within the city limits, and a record of the said sale must be kept as provided in Rule 4.

Keeping or Sale of Fowl Unfit for Food, Forbidden.

6. No person shall be allowed to keep or sell fowl, which, in the opinion of the Health Commissioner, are unfit for human food.

Poultry Dying in Transit, etc., Shall Not be Sold for Food.

7. Smothered poultry or poultry which may have died in transit, or while in coops at assigned locations, shall not be sold for food, but shall be disposed of to the satisfaction of the Health Commissioner.

Location, Construction and Size of Coops Prescribed.

8. No poultry or coops shall be kept upon the sidewalk or upon the floors outside the permanent coops. All permanent coops are to be of metal not less than 18 inches in height and installed at least 2 feet from all walls. Drop boards shall be removable so as to permit of ready cleaning. Half a square foot shall be allowed for each fowl placed therein.

Construction and Drainage of Floors, Walls and Ceilings.

9. Floors shall be made of asphalt, cement or other impervious material properly sloped to a suitable catch-basin, catch-basin to be connected with the sewer. Walls shall be covered to a height of at least 8 feet with metal or some other impervious material. Ceilings shall be smooth and tight.

Hot and Cold Water Supply, Cleaning When to be Done.

10. All places shall be furnished with hot and cold water, and the premises must be thoroughly washed and cleansed each day at the close of business.

Screening Required.

11. All windows and doors leading to street shall be screened with fine wire mesh to be approved by the Health Commissioner.

Separation of Office Required.

12. The office and salesroom must be completely separated from all other rooms connected with the establishment.

Construction, Water Supply and Drainage of Killing Troughs. Water Supply for Cleaning Room.

13. All killing troughs must be made of soapstone or concrete to be about 2 feet wide and supplied with running hot and cold water, draining on to the floor. Hot and cold water must be supplied in this room for the purpose of cleaning the same.

Separation of Toilet Rooms Required. Number, Size and Fittings Prescribed. Lighting, Ventilation and Location.

14. All toilet, wash and dressing rooms shall be entirely separated from compartments in which fowl are handled, stored or dressed. They shall be sufficient in number, ample in size, and fitted with modern lavatory accommodations, including toilet paper, soap, running water and towels. They shall be properly lighted, ventilated, and shall be so located that offensive odors will not penetrate.

Work Clothes of Employees.

15. All aprons or other outer clothing of employees who handle poultry shall be of a material that is readily cleaned and made sanitary, and shall be cleaned daily after using.

Incineration of Rubbish Required.

16. An incinerating plant satisfactory to the Health Commissioner must be installed to dispose of all rubbish and other wastes collected on the premises.

Nuisances from Loading and Unloading Forbidden.

17. All loading and unloading of chickens and crates must be done in such manner that no nuisance will be created from noise, odors or dust.

Utensils, etc., When to be Cleaned.

18. All knives, utensils, trucks and machinery used in the carrying on of the business shall be thoroughly cleansed at the close of business each day.

Killing at Other Than Certain Hours Forbidden Without Special Permit.

19. All killing shall take place between the hours of 7 a. m. and 5 p. m., unless special permit is obtained from Health Commissioner to kill at other times.

Dressed Poultry Shall be Hung on Racks.

20. Dressed poultry shall not be placed on the floor but shall be hung on racks to prevent contamination.

Dressed Poultry Shall be Transported Only in Clean Containers, Clean Paper Required When Burlap Bags Used.

21. Only clean baskets or other containers shall be used for transporting dressed poultry. If burlap bags are used, there must be an inside wrapping of clean paper separating the poultry from the container.

Grain Chests Shall be Rat-Proof.

22. Grain chests shall be of rat-proof construction with tight metal cover.

Rooms For Drying And Storing Feathers, Required.

23. Proper rooms must be provided for the drying and storing of feathers to prevent a nuisance therefrom.

Any Violation of Above Rules Shall be Deemed Sufficient Cause For The Revocation of a Permit.

References.

Business of slaughtering in Boston, forbidden except upon the premises of the Butchers' Slaughtering and Melting Association in Brighton. Acts 1876, Ch. 144, sect. 2 [see (3) of chapter 5 preceding].

Business of killing horses or of rendering horses or other animals, forbidden unless licensed by the local board of health. G. L., Ch. 111, sect. 154 [see (1) of chapter 11-D, Part IV, preceding].

CHAPTER 16.—HAWKERS AND PEDDLERS.

Sect.

1. Definition of hawker and peddler.
2. Penalty for selling in violation of provisions of chapter 101, Gen. L.
3. Certain persons exempt from provisions of chapter.
4. Sale of certain articles prohibited.
5. Sale of certain articles allowed without a license. Cities may regulate the sale of these articles without the payment of any fee. Cities also authorized to require peddlers of fish, fuel, and vegetables to be licensed, and to make regulations relative to same and affix penalties. Fee. Operation of license.
6. Sale of certain other articles forbidden without a license from the state director of standards.
7. Cities authorized to make regulations relative to the sale by minors of articles the sale of which is permitted without a license by section 17.
8. State director of standards authorized to grant licenses to sell certain articles in any town mentioned in license. Fee. Special state license. Fee.
9. State director of standards authorized to grant special county licenses for sale of certain articles manufactured by licensee or his employer. Fee.
10. Director may revoke license (1) upon conviction of licensee for any crime to warrant such revocation; or (2) upon submission of evidence that during term of license the licensee has accepted or solicited money otherwise than through sale or barter of goods. Penalty.

Sect.

11. Overseers, etc., authorized to grant charitable organizations a special license to sell in their town certain articles on certain days. Proviso.
12. Police commissioner for city of Boston may designate certain streets where peddlers may stand for purpose of selling merchandise.
13. Streets designated by the police commissioner where peddlers may stand for purpose of selling merchandise. "Business section" defined.
"Restricted territory" defined. Rules for carrying on business in parts of city outside of "business section" and "restricted section." Rules for the "Restricted Territory." Rules for the "Business Section."
14. Health Commissioner shall appoint a superintendent of peddlers.
15. Peddlers of certain articles shall have numbers assigned to them. Weights and measures to be certified. Not to sell fruits nor vegetables without a license. Exception. Fee.
16. Crying of wares in certain neighborhoods or in a disturbing manner, forbidden.
17. Carrying articles in offensive manner or except in certain vehicles, forbidden.
18. Certain foods to be kept covered.
19. Peddlers shall keep in wagon a proper receptacle for waste material. Disposal of same.
20. Storage of Fruit; written permit by Health Commissioner required; conditions of permit; penalty for violation thereof.
21. Inspectors shall enforce laws relating to peddlers.

I.

STATUTES.

(1)

Definition of Hawker and Peddler.

G. L., Ch. 101. SECT. 13. Except as hereinafter expressly provided, the terms "hawker" and "peddler" as used in this chapter shall mean and include any person, either principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares or merchandise, either on foot, on or from any animal or vehicle.

(2)

Penalty for Selling in Violation of Provisions of Chapter 101, General Laws.

G. L., Ch. 101. SECT. 14. A hawker or peddler who sells or barter or carries for sale or barter or exposes therefor any goods, wares or merchandise, except as permitted by this chapter, shall forfeit not more than two hundred dollars, to be equally divided between the commonwealth and the town in which the offence was committed.

(3)

Certain Persons Exempt from Provisions of Chapter.

G. L., Ch. 101. SECT. 15. The provisions of this chapter relating to hawkers and peddlers shall not apply to wholesalers or jobbers having a permanent place of business in the commonwealth and selling to dealers only, nor to commercial agents or other persons selling by sample lists, catalogues or otherwise for future delivery, nor to any person who peddles only fish obtained by his own labor or that of his family, fruits, vegetables or other farm products raised or produced by himself or his family, nor to persons selling articles for charitable purposes under section thirty-three.

(4)

Sale of Certain Articles Prohibited.

G. L., Ch. 101. SECT. 16. The sale by hawkers or peddlers of jewelry, furs, wines, spirituous liquors and playing cards is prohibited.

For penalty see (2) preceding.

(5)

Sale of Certain Articles Allowed Without a License. Cities May Regulate the Sale of These Articles Without the Payment of Any Fee. Cities Also Authorized to Require Pedlers of Fish, Fuel and Vegetables to be Licensed, and to Make Regulations Relative to Same and Affix Penalties. Fee. Operation of License.

G. L., Ch. 101. SECT. 17. Hawkers and peddlers may sell without a license books, newspapers, pamphlets, fuel, provisions, yeast, ice, live animals, brooms, agricultural implements, hand tools used in making boots and shoes, gas or electric fixtures and appliances, flowering plants and all flowers, fruits, nuts and berries that are uncultivated. The aldermen or selectmen may by regulations, not inconsistent with this chapter, regulate the sale or barter, and the carrying for sale or barter or exposing therefor, by hawkers and pedlers, of said articles without the payment of any fee; may in like manner require hawkers and pedlers of fish, fruit and vegetables to be licensed except as otherwise provided, and may make regulations governing the same, provided that the license fee does not exceed that prescribed by section twenty-two for a license embracing the same territorial limits; and may in like manner affix penalties for violations of such regulations not to exceed the sum of twenty dollars for each such violation. A hawker and peddler of fish, fruit and vegetables licensed under this section need not be licensed under section twenty-two.

(6)

Sale of Certain Other Articles Forbidden Without a License from the State Director of Standards.

G. L., Ch. 101. SECT. 18. Articles other than those the sale of which is licensed, or permitted without a license, under the preceding section, and not prohibited by section sixteen; shall not be sold by hawkers or pedlers unless duly licensed as hereinafter provided.

For penalty see (2) preceding.

(7)

Cities Authorized to Make Regulations Relative to the Sale by Minors of Articles, the Sale of Which is Permitted Without a License by Section 17.

G. L., Ch. 101. SECT. 19. The aldermen or selectmen may make regulations consistent with the general laws relative to the exercise of the trade of bootblackening by minors, and to the sale or barter by minors of any goods, wares or merchandise the sale of which is permitted without a license by section seventeen, and may prohibit such trade or such sales, or may require a minor to obtain from them a permit therefor to be issued on terms and conditions prescribed in such regulations; provided, that in the case of girls under the age of eighteen years and of boys under the age of sixteen years the foregoing powers in cities shall be vested in and exercised by the school committee. No permit issued to a minor under this section nor badge issued to him under sections sixty-nine to seventy-three, inclusive, of chapter one hundred and forty-nine shall authorize the sale by a minor of any article, other than those enumerated in section seventeen.

(8)

State Director of Standards Authorized to Grant Licenses to Sell Certain Articles in Any Town Mentioned in License. Fee. Special State License. Fee.

G. L., Ch. 101. SECT. 22. The state director of standards may grant a license to go about carrying for sale or barter, exposing therefor and selling or bartering any goods, wares or merchandise, the sale of which is not prohibited by section sixteen, to any person who files in his office a certificate signed by the mayor or by a majority of the selectmen, stating that to the best of his or their knowledge and belief the applicant therein named is of good repute as to morals and integrity, and is, or has declared his intention to become, a citizen of the United States. . . The licensee may go about carrying for sale or barter, exposing therefor and selling or bartering in any town mentioned in his license any fish, fruits, vegetables or other goods, wares or merchandise, not prohibited in section sixteen, upon payment to the director of the following fees: . . and for each city and each town, eleven dollars, and one dollar for every one thousand inhabitants thereof over four thousand; but the fee shall in no case exceed twenty-six dollars. . . The director may grant, as aforesaid, special state licenses upon payment by the applicant of fifty dollars for each license; and the licensee may go about carrying for sale or barter, exposing therefor and selling or bartering in any city or town in the commonwealth any fish, fruits, vegetables, or other goods, wares or merchandise, the sale of which is not prohibited by statute.

(9)

State Director of Standards Authorized to Grant Special County Licenses for Sale of Certain Articles Manufactured by License of His Employer. Fee.

G. L., Ch. 101. SECT. 23. The director may also grant as aforesaid special county licenses for each county mentioned therein; and the licensee may go about carrying for sale or barter, exposing therefor and selling or bartering within such county any goods, wares or merchandise manufactured by himself or by his employer and not prohibited by section sixteen, upon paying to the director the amounts following: for Suffolk, Essex, Middlesex and Worcester, each, five dollars; . . . The license shall describe the manufactured articles to be sold or bartered under it and shall not authorize the sale or barter of any other article by the licensee.

(10)

Director May Revoke License (1) Upon Conviction of Licensee for Any Crime to Warrant Such Revocation; or, (2) Upon Submission of Evidence That During Term of License the Licensee has Accepted or Solicited Money Otherwise than Through Sale or Barter of Goods. — Penalty.

G. L., Ch. 101. SECT. 30. (As amended by Acts 1923, Ch. 154.) Any license granted by the director to a hawker or pedler may be revoked by him upon conviction of the licensee of any crime which in the judgment of the director warrants such revocation, or upon the submission to the director of evidence satisfactory to him that the licensee has, during the term of the license, accepted or solicited money otherwise than through the bona fide sale or barter of goods, wares or merchandise or has in any manner during said term begged or solicited alms from the public. Whenever any person is convicted of a violation of any provision of this chapter, relative to hawkers and pedlers, or a person holding such a license is convicted of any crime, the clerk of the court in which, or the trial justice by whom, such person was convicted shall notify the director.

(11)

Overseers, etc., Authorized to Grant Charitable Organizations a Special License to Sell in Their Town Certain Articles on Certain Days. Proviso.

G. L., Ch. 101. SECT. 33. The overseers of the poor in any city or the selectmen in any town may, under such conditions as they may deem proper, grant to any organization engaged exclusively in charitable work a special license authorizing it, upon a particular day and for a charitable purpose named in such license, to sell, through its accredited agents in the streets and other public places within such city or town, or in any designated part thereof, flags, badges, medals, buttons, flowers, souvenirs and similar small articles; provided, that no person under sixteen years of age shall be accredited as such agent, that each agent shall wear in plain sight while engaged in selling such articles a badge provided by such organization and approved by the authority issuing the license, bearing upon it the name of such organization and the date on which the license is to be exercised, and that no such agent shall be authorized to make or attempt to make such sales in front of any private premises against the objection of the owner or occupant

thereof. The exercise of the licenses hereby provided for shall be subject to the provisions of all statutes, ordinances, by-laws, rules and regulations not inconsistent herewith.

(12)

Police Commissioner for City of Boston May Designate Certain Streets Where Pedlers May Stand for Purpose of Selling Merchandise.

Acts 1907, Ch. 584. SECT. 9. The police commissioner for the city of Boston may designate from time to time certain streets, or parts of streets, or sections of the city wherein, and not elsewhere in the city, it shall be lawful on the days and within the hours specified by him, and under such general rules as he shall make, for any hawker or pedler, without the license * provided for in this act, to stop and stand for the purpose of selling merchandise; provided that such hawkers or pedlers carry on their business in conformity with the laws of the commonwealth, the ordinances of the city, and the regulations of the board of aldermen and of the board of health of the city of Boston, now or hereafter enacted and not inconsistent herewith.

(13)

Streets Designated by the Police Commissioner Where Peddlers May Stand for the Purpose of Selling Merchandise.

Rule of the Boston Police Department relative to Hawkers and Peddlers established by the Police Commissioner Dec. 17, 1907, as amended May 3, 1921, and further amended May 4, 1923. In accordance with the provisions of section nine, Chapter 584, Acts of 1907, I hereby designate the streets, parts of streets, and sections of the city of Boston, wherein, and not elsewhere in said city, it shall be lawful for hawkers and peddlers to stop or stand for the purpose of selling merchandise; provided, that such hawkers or peddlers carry on their business in conformity with the laws of the Commonwealth, the ordinances of the City, and the regulations of the City Council and of the Health Commissioner of the city of Boston not inconsistent with such laws or with the following rules hereby established under their authority:

"Business Section" Defined.

1. For the purposes of these rules the area comprised within the following streets and squares and all others included within them as boundaries shall be called the "Business section:" Haymarket square, Canal street, Causeway street, between Canal and Portland streets; Portland street, between Causeway and Chardon streets; Chardon street, Bowdoin square, Court street, Pemberton square, Somerset street, between Pemberton square and Ashburton place; Ashburton place, Bowdoin street, between Ashburton place and Beacon street; Beacon street, between Bowdoin and Park streets; Park street, Tremont street, between Park and Boylston streets; Boylston street, between Tremont and Dartmouth streets; Tremont street, between Boylston and Stuart streets; Stuart street, between Tremont and Washington streets; Washington street, between Stuart and Essex streets; Essex street, Atlantic avenue, between Essex and Clinton streets; Clinton street, between Atlantic avenue and Blackstone street; Blackstone street, between Clinton street and Haymarket square.

"Restricted Territory" Defined.

2. That part of the city proper lying outside the "Business Section" and north of a line formed by the tracks of the Boston & Albany Railroad and Summer street from Dewey square to Dorchester avenue shall be known as the "Restricted Territory."

* The board of street commissioners of the city of Boston may issue licenses for the use of specified parts of public streets in said city for the storage and sale of merchandise. Acts 1907, 584, sect. 1. Penalty for occupying a part of a public street in the city of Boston for the purchase, sale or storage of merchandise from a stand, from a vehicle or on foot, except in accordance with the provisions of this act. *Ib.*, sect. 10.

Rules for Carrying on Business in Parts of City Outside of the "Business Section" and the "Restricted Territory."

3. In all parts of the city excepting the "Business Section" and the "Restricted Territory" hawkers and peddlers may carry on their business at reasonable hours subject to conditions herein prescribed, with vehicles drawn by horses, or on foot, with trays, baskets, handcarts, barrows or other easily movable appliances.

Rules for the "Restricted Territory."

4. In the "Restricted Territory" they may carry on business at reasonable hours; but between 8 a. m. and 6.30 p. m. they may use only vehicles drawn by horses, or trays, baskets or other appliances not in the nature of stands carried by the persons using them.

Rules for the "Business Section."

5. In the "Business Section" they may carry on business only before 8 a. m., or after 6 p. m. with the following exceptions: Between 3 p. m. and 11 p. m. on Saturdays and on the week day immediately preceding legal holidays and the seventeenth day of June in each year respectively they may stop and stand subject to the direction of the police for the sale of merchandise outside the curbstones in the following streets: Blackstone street, between Haymarket square and Clinton street, both sides; North street, between Blackstone and Union streets, west side; North street, between Blackstone and Cross streets, both sides; Merchants row, between North and North, Market streets, west side; North Market street, between Commercial street and Faneuil Hall square, north side; Clinton street, between Merchants row and Fulton street, both sides.

ORDINANCES.

(14)

Health Commissioner shall Appoint a Superintendent of Peddlers.

R. O. 1914, Ch. 17, SECT. 2, Par. 3, Clause 2. The health commissioner . . . shall appoint a superintendent of peddlers, and require him to see that every hawker and peddler conforms to law.

(15)

Peddlers of Certain Articles shall have Numbers Assigned to Them. Weights and Measures to be Certified. Not to Sell Fruits nor Vegetables without License. Exception. Fee.

R. O. 1914, Ch. 40. (As amended Ordinances, 1915, Ch. 3.) SECT. 19. No person shall hawk or peddle any fruits or vegetables or any of the articles enumerated in chapter 345 of the acts of 1906 (now Gen. L., ch. 101, sect. 17) until he has been assigned a number by the health commissioner, and until he has recorded with said commissioner his name and residence and, if he hawks or peddles articles which are sold by weight or measure, a certificate from the sealer of weights and measures that all weights, measures and balances to be used by him have been properly inspected and sealed. The presence of unsealed weights or measures on the team, cart or person of such hawker or peddler shall terminate permission to hawk or peddle under such registration.

No person shall hawk or peddle any fruits or vegetables until he has obtained a license therefor from the health commissioner, un-

less he is engaged in the pursuit of agriculture or unless such articles are the product of his own labor or of the labor of his family. The health commissioner is hereby authorized to grant licenses to hawk or peddle fruits and vegetables to persons who have complied with the foregoing requirements, such licenses to be for the term of one year from the date of issue, and to charge therefor a license fee of five dollars per annum.

The foregoing provisions shall not apply to minors licensed by the mayor and city council, unless such minors hawk or peddle fruits or vegetables.

For penalty see R. O., 1914, ch. 40, s. 92.

(16)

Crying of Wares in Certain Neighborhoods or in a Disturbing Manner, Forbidden.

R. O. 1914, Ch. 40. SECT. 20. No person hawking, peddling, selling or exposing for sale any articles, shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the city, or in the neighborhood of schoolhouses or of places used for divine worship.

For penalty see R. O., 1914, ch. 40, s. 92.

(17)

Carrying Articles in Offensive Manner or Except in Certain Vehicles, Forbidden.

R. O. 1914, Ch. 40. (As amended Ord. 1915, ch. 4.) SECT. 21. No hawker or peddler shall carry or convey articles enumerated in chapter 345 of the acts of 1906 (now Gen. L., 101, sect. 17), in a manner tending to injure or disturb the public health or comfort, or except in vehicles or receptacles which are neat and clean and do not leak, and which have printed on them in letters and figures at least two inches in height the name of the person selling and the number given him by the health commissioner, and which are approved monthly by the health commissioner.

For penalty see R. O., 1914, ch. 40, s. 92.

(18)

REGULATIONS.

Certain Foods to be Kept Covered.

Reg., Jan. 8, 1913. SECT. 1. It is hereby ordered that, except during the process of sale or while in the act of loading or unloading vehicles, no cut meat, fish, shucked shell fish, dried or preserved fruits, dates, figs, cut fruits, cut melons, cracked nuts, nut meats,

popped corn, candies, confectionery or bakers' products, which are intended for sale for human food, shall be conveyed from place to place, or kept in an open window or doorway, or kept outside of a building or in any public or private way of the City of Boston, unless so covered with clean material and so placed as to be protected from dust, flies and animals.

Approved February 12, 1913, by State Board of Health. For penalty, see G. L., ch. 94, s. 148, chapter (12) preceding.

(19)

Pedlers shall Keep in Wagon a Proper Receptacle for Waste Material. Disposal of Same.

Same. SECT. 6. Every pedler of foodstuffs from wagons or carts, in addition to the clean covering provided for in this regulation, shall keep in his wagon or cart a water-tight and sufficient receptacle for the wastes of his business, and such wastes shall be so disposed of as not to cause a nuisance.

Approved February 12, 1913, by State Board of Health. For penalty, see G. L., ch. 94, s. 148, chapter (12) preceding.

(20)

Storage of Fruit.

Written Permit Required.

August 3, 1893 (as amended Sept. 11, 1923) Ordered: SECT. 1. That no person shall store or keep or allow to be stored or kept in any building of which he is the owner or occupant, and which is in use in whole or in part as a dwelling house, any fruit or merchandise, except in accordance with a written permit from the Health Commissioner.

For penalty, see G. L., ch. 111, s. [122 (sec 1.) of chapter 14, Part IV, preceding].

Conditions of Permit.—Penalty.

SECT. 2. A person receiving a permit from the Health Commissioner under section 1 shall comply with the following conditions:

(a) Fruit and vegetables must be sorted at once upon arrival at the place of storage, and the culls placed in water-tight receptacles with covers.

(b) Decomposed and unfit foodstuffs must be removed daily to the dump.

(c) The storage room must be kept at all times in a clean, sanitary condition and free from offensive odors.

(d) The storage room must be open to inspection by any representative of the Health or Police Departments between 8 a. m., and 9 a. m., daily.

(e) Violation of any of these provisions will be deemed sufficient cause for revocation of the permit.

RULES, RESTRICTIONS AND REQUIREMENTS.

(21)

Inspectors shall Enforce Laws Relating to Pedlers.

March 6, 1920, In Health Commissioner, Ordered: For the better enforcement of the laws, ordinances and regulations governing pedlers and hawkers in the City of Boston, all inspectors and police officers in the Food Inspection and the Sanitary Divisions will see that no person engages in business as a pedler or hawker who is not licensed to do so; that licensed pedlers and hawkers sell only such articles as their particular licenses authorize them to sell; and that in the conduct of their respective businesses all pedlers and hawkers comply with the laws, ordinances and regulations pertaining thereto, and to the conditions of their respective licenses.

References.

Sect. (16.) Having in possession with intent to sell, fish of any kind, except flounders, smelts and other small fish, salmon and shad, until the same have been cleansed of their entrails and other refuse parts, or fish of any kind unless kept in covered stalls or fish-boxes or covered carts, which shall be clean and in good order and well secured from the rays of the sun, forbidden. R. O., 1914, ch. 40, s. 1, chapter (12) preceding.

Having in possession with intent to sell, any decayed or damaged fruit, vegetable or animal substance, except in accordance with a permit from the Board of Health, forbidden. R. O., 1914, ch. 40, s. 3, chapter (12) preceding.

Having in possession with intent to sell, any vegetables which have not previously been divested of all parts not commonly used for food, except green peas and beans in the pods and green corn in the inner husks, also, having in possession such parts not commonly used for food, in any market place, or in a cart or vehicle used for the sale of vegetables or other articles of food, forbidden. R. O., 1914; ch. 40, s. 2, chapter (12) preceding.

Dropping rubbish or filth or refuse liquid in streets forbidden. R. O. 1914, ch. 40, s. 41, chapter 16 (13), Part V. following.

Sect. (17.) Every person in charge of any stand, pushcart or other vehicle, where or from which human food is kept or offered for sale, shall maintain such stall, pushcart or other vehicle in a clean and wholesome condition. Reg. January 8, 1913, s. 2, chapter (12) preceding.

CHAPTER 17.—VINEGAR.

Sect.

1. Food and milk officials shall enforce laws relating to vinegar. Food laws when applicable shall apply to vinegar.
2. Vinegar defined. Artificial coloring prohibited, and a certain proportion of acetic acid required. Vinegar shall be deemed adulterated if not in conformity with this section.
3. Methods for examination of vinegar shall be as adopted by association of official agricultural chemists, or, if these not applicable, as approved by state department of public health and published in its bulletin.
4. Casks used to contain vinegar for sale shall be marked in a certain way. Cider vinegar, if diluted with water, shall be labelled to indicate same. Compounds, mixtures or blends of vinegar shall be marked in a certain way. Lettering prescribed when label used on vinegar, in wooden packages. The marking of vinegar in containers other than wooden packages shall be governed by sections 186 and 187. Penalty for violation of section.

Sect.

5. Collecting samples of vinegar shall be done under direction of state department of public health and of local boards of health. Samples may be purchased and certain data shall be noted. Samples shall be divided, and one part, labelled and sealed, shall be delivered to owner at time of taking, and a receipt thereof shall be given.
6. Samples shall be examined by state department or local boards. If sample found misbranded or adulterated, complaint need not be at once made, but an opportunity for a hearing under section 189 shall be granted.
7. Penalty (1) for making, etc., and imitation of a seal used by an officer engaged in the inspection of vinegar and (2) for changing, etc., a sample taken or sealed as provided under section 166.
8. Penalty for manufacturing, etc., vinegar containing any ingredient injurious to health.
9. Penalty for the sale, etc., of adulterated vinegar, and for the sale, etc., as cider or apple vinegar, or vinegar not the product of certain fermentation.

I.

STATUTES.

(1)

Food and Milk Officials Shall Enforce Laws Relating to Vinegar. Food Laws, When Applicable, Shall Apply to Vinegar.

G. L., Ch. 94. SECT. 169. Each officer or person whose duty it is to enforce the laws relating to food and milk, shall enforce the laws relating to vinegar, and all laws relating to food shall apply to vinegar so far as they are applicable.

1880, 113, s. 2.
P. S. 60, s. 71.

1883, 257, s. 2.
1884, 307, s. 3.

R. L. 57, s. 69.
1911, 600, ss. 4. 5.

(2)

Vinegar Defined. Artificial Coloring Prohibited, and a Certain Proportion of Acetic Acid Required. Vinegar Shall be Deemed Adulterated if not in Conformity with This Section.

G. L., Ch. 94. SECT. 163, as amended by Acts 1922, Ch. 524. Vinegar is hereby defined as being the result of alcoholic and subsequent acetous fermentation of natural fruit juices or vegetable products. Vinegar shall contain no added or artificial coloring matter, and shall contain not less than four grams of acetic

acid in each one hundred cubic centimeters. If any vinegar contains any added or artificial coloring matter, or less than the required amount of acidity, or if it is other than the product of alcoholic and subsequent acetous fermentation of natural fruit juices or vegetable product, it shall be deemed to be adulterated.

1884, 307, s. 2.

1911, 600, s. 2.

1916, 183.

1885, 150.

1915, 239.

1918, 145.

R. L. 57, s. 67.

For penalty for sale of adulterated vinegar, see G. L., 94, s. 171 [see (9) following].

(3)

Methods for Examination of Vinegar Shall be as Adopted by Association of Official Agricultural Chemists, or, if These not Applicable, as Approved by State Department of Public Health and Published in its Bulletin.

G. L., Ch. 94. SECT. 164, as amended by Acts 1922, Ch. 206. The methods for the examination of vinegar shall be those adopted by the Association of Official Agricultural Chemists. When no such methods are applicable, such additional methods as are approved by the (state) department of public health and published in its bulletin shall be employed.

1915, 239.

1918, 145.

1916, 189.

1919, 350, s. 96.

(4)

Casks Used to Contain Vinegar for Sale, Shall be Marked in a Certain Way. Cider Vinegar, if Diluted with Water, Shall be Labeled to Indicate Same. Compounds, Mixtures or Blends of Vinegar Shall be Marked in a Certain Way. Lettering Prescribed When Label Used on Vinegar in Wooden Packages. The Marking of Vinegar in Containers Other Than Wooden Packages Shall be Governed by Sections 186 and 187. Penalty for Violation of Section.

G. L., Ch. 94. SECT. 165. Each cask, barrel or other container used by a manufacturer or producer of or wholesale dealer in vinegar, to contain vinegar sold or offered for sale, shall be plainly marked with the name and place of business of such manufacturer, producer or wholesale dealer, the kind of vinegar contained therein, and the substances from which it is made; and-cider vinegar, if diluted with water, shall be distinctly and conspicuously labeled "Diluted to Legal Strength" or by other like words to indicate this fact. Each compound, mixture or blend of vinegar shall be marked with the word "compound" or "mixture," together with a statement of its constituents and the percentage of each constituent. The principal label, including the word "compound" or "mixture," if used on vinegar in wooden packages, shall be in Roman letters not less than one inch high, properly spaced and in straight parallel lines with no more than two inches of space between each line. The marking of vinegar in other containers than wooden packages shall be governed by sections 186 and 187. Whoever himself or by his agent or servant violates any provision of that section shall be punished by a fine of not more than one hundred dollars.

1911, 600, s. 3.

1915, 158.

(5)

Collecting Samples of Vinegar Shall be Done Under Direction of State Department of Public Health and of Local Boards of Health. Samples May be Purchased and Certain Data Shall be Noted. Samples Shall be Divided, and one Part, Labeled and Sealed, Shall be Delivered to Owner at Time of Taking, and a Receipt Thereof Shall be Given.

G. L., Ch. 94. SECT. 166. The collection of samples of vinegar, as authorized by section three hundred and four, shall be made under the direction and supervision of the state department of public health or by local boards of health. Samples may be purchased in the open market, and the stencillings, tags, brands or other markings upon the container shall be noted. Samples shall be divided into two substantially equal parts of at least sufficient volume to permit of a proper analysis as required by law, and at the time of the taking of the samples there shall be delivered to the owner or other person from whom the vinegar is taken one of the two above mentioned parts properly labeled with identifying marks and sealed with a seal, provided for that purpose, and a receipt therefor shall be given to the inspector or collector.

1917, 193, s. 1.

1919, 350, s. 96.

For penalty for tampering with samples see G. L., 94, s. 168 [see (7) following].

(6)

Samples Shall be Examined by State Department or Local Boards. If Sample Found Misbranded or Adulterated, Complaint Need Not be at Once Made, but an Opportunity for a Hearing Under Section 189 Shall be Granted.

G. L., Ch. 94. SECT. 167. Samples of vinegar taken under authority of law shall be examined by the (state) department of public health or by boards of health of towns. If it then appears that any sample is misbranded or adulterated, the department of public health, or the board of health of a town, as the case may be, need not cause formal complaint, to be entered at once, but shall grant the opportunity for a hearing under section one hundred and eighty-nine.

1918, 137.

1919, 350, s. 96.

(7)

Penalty (1) for Making, etc., an Imitation of a Seal Used by an Officer Engaged in the Inspection of Vinegar; and (2) for Changing, etc., a Sample Taken or Sealed as Provided Under Section 166.

G. L., Ch., 94. SECT. 168. Whoever makes, causes to be made, uses or has in his possession, an imitation or counterfeit of a seal used by an inspector or other officer engaged in the inspection of vinegar, and whoever changes or tampers with a sample taken or sealed as provided in section one hundred and sixty-six, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or both.

1917, 193, s. 2.

(8)

Penalty for Manufacturing, etc., Vinegar Containing Any Ingredient Injurious to Health.

G. L., Ch. 94. SECT. 170. Each person who manufactures, offers or exposes for sale any vinegar found upon proper tests to contain any preparation of lead, copper, sulphuric acid or other ingredient injurious to health shall be punished by a fine of not less than one hundred dollars.

R. L. 57, s. 68.

(9)

Penalty for the Sale, etc., of Adulterated Vinegar; and for the Sale, etc., as Cider or Apple Vinegar, of Vinegar not the Product of Certain Fermentation.

G. L., Ch. 94. SECT. 171. Whoever himself or by his servant or agent sells, exchanges or delivers or has in his custody or possession with intent so to do, or exposes or offers for sale or exchange adulterated vinegar, or whoever labels, brands or sells cider vinegar or as apple vinegar, any vinegar not the exclusive product of the alcoholic and subsequent acetous fermentation of the pure juice of fresh apples, shall be punished by a fine of not more than one hundred dollars.

1880, 113, s. 1.

P. S. 60, s. 69.

1883, 257, s. 1.

1884, 257, s. 1.

1884, 307, ss. 1, 4.

R. L. 57, s. 66.

1911, 600, s. 1.

APPENDIX.

CITATIONS FROM SUPREME COURT DECISIONS ON
MATTERS AFFECTING PUBLIC HEALTH.

PART IV. CHAPTER 14, SECTION (2).

Reference.

98 Mass. 431 (443). The action of the board of health is intended to be prompt and summary. They are clothed with extraordinary powers for the protection of the community from noxious influences affecting life and health, and it is important that their proceedings should be embarrassed and delayed as little as possible by the necessary observance of formalities. Although notice and opportunity to be heard upon matters affecting private interests ought always to be given when practicable, yet the nature and object of those proceedings are such that it is deemed to be most for the general good that such notice should not be essential to the right of the board to act for the public safety. Delay for the purpose of giving notice, involving the necessity either of public notice or of inquiry to ascertain who are the parties whose interests will be affected, and further delay for such hearings as the parties may think necessary for the public protection of their interests, might defeat all beneficial results from an attempt to exercise the powers conferred upon boards of health. The necessity of the case and the importance of the public interests at stake justify the omission of notice to the individual. Their adjudication that a nuisance exists is conclusive, and no appeal lies therefrom.

. . . "Their (the board of health) determination of questions of discretion and judgment in the discharge of their duties is undoubtedly in the nature of a judicial decision; and, within the scope of the power conferred, and for the purposes for which the determination is required to be made, is conclusive. It is not to be impeached or set aside for error or mistake of judgment; nor to be reviewed in the light of new or additional facts.

PART IV. CHAPTER 14, SECTION (4).

Reference.

98 Mass. 431 (444). If the owner or occupant neglects to remove the nuisance, the board is then at liberty to enter upon the private property where it exists, and take such measures as it may see fit for its removal.

The importance of the duty imposed upon boards of health, the necessity of prompt and decisive measures to protect the public health, require a wide discretion in the use of means by which to "destroy, remove, or prevent" such cause of sickness. If it be necessary to the proper performance of their duty, they may, in the exercise of their discretion, resort to means and measures which affect injuriously, other lands than those upon which the manifestation of the cause of sickness is found. All expenses incurred may be recovered of any person who caused or permitted the nuisance, and the record of proceedings of the board is *prima facie* evidence of the existence of a nuisance which warranted the board in taking action and incurring expense for its removal.

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